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TOWN OF WESTFIELD  
BOARD OF ADJUSTMENT

IN RE :  
PUBLIC HEARING :  
: :  
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TRANSCRIPT OF PROCEEDINGS  
*ADOPTED AS MEETING MINUTES*

Monday, May 8, 2023

Municipal Building  
425 East Broad Street  
Westfield, New Jersey  
Commencing at 7:30 p.m.

1 B E F O R E:

2

FRANK FUSARO, CHAIRMAN

3

CHRIS MASCIALE, VICE-CHAIRMAN

4

MICHAEL COHEN, MEMBER

5

MATT SONTZ, MEMBER - *LATE ARRIVAL*

6

CAROL MOLNAR, MEMBER

7

PAUL EILBACHER, MEMBER

8

SAMUEL REISEN, SECOND ALTERNATE

9

- - -

10

JENNY MANCE, ZONING OFFICIAL/ASST. PLANNER

11

DON SAMMET, TOWN PLANNER

12

13 A B S E N T:

14 OMAR KARAME, MEMBER

15

A P P E A R A N C E S:

16

WELLS, JAWORSKI & LIEBMAN, LLP

17

BY: KATHRYN J. RAZIN, ESQ.

Attorney for the BOARD

18

GOODMAN LAW

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BY: GARY S. GOODMAN, ESQ.

Attorney for the APPLICANT ELSHIEKH

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ENTERPRISES

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ZBA 22-044  
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1 ZBA 22-031  
 2 MEGAN MCCANN (CONTINUED FROM 1/9, 2/13 & 4/10/23)  
 3 857 WINYAH AVENUE  
 4 BLOCK: 2105, LOT: 21 159

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8		NONE MARKED	

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13 ZBA 22-041 (CONTINUED FROM 4/10/23)  
 14 JESSICA & BRIAN FINEBURG  
 15 164 LANDSDOWNE AVENUE  
 16 BLOCK: 5004, LOT: 63

16	WITNESS	PAGE
17	NONE	

18	EXHIBIT	DESCRIPTION	PAGE
19		NONE MARKED	

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P R O C E E D I N G S  
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(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN FUSARO: Good evening.

Please rise for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance is recited.)

CHAIRMAN FUSARO: Good evening.

This is a regularly scheduled meeting of the Board of Adjustment for the Town of Westfield at which formal action may be maybe taken. The public will have the opportunity to be heard as the Board considers these applications. Adequate notice of this meeting was provided by posting on the bulletin board of the town tall, mailing of the notices to the Westfield Leader, the Newark Star Ledger, and filing with the Town Clerk of the Town of Westfield all in accordance with the requirements of the Open Public Meetings Act.

Kathryn Razin, our Board Attorney, will give a brief statement explaining the Board of Adjustment's powers, purpose, and criteria for granting variances.

1 MS. RAZIN: Good evening. The  
2 Zoning Board has the power to grant variances from  
3 the zoning ordinance. The Zoning Board can only  
4 grant a variance in accordance with the Municipal  
5 Land Use Law, and these can be (d) type use  
6 variances or (c) bulk variances. In all cases, it  
7 is the Applicant's burden to prove his or her  
8 case, and the Applicant must demonstrate that the  
9 granting of the variance will not create  
10 substantial harm or negative impacts to the  
11 public, or substantial impact to the intent and  
12 purpose of the zoning plan.

13 CHAIRMAN FUSARO: Thank you, Katie.  
14 Before we have -- actually, can we have the roll  
15 call, Jenny.

16 MS. MANCE: Chairman Fusaro.

17 CHAIRMAN FUSARO: Here.

18 MS. MANCE: Vice-chair Masciale.

19 MR. MASCIALE: Here.

20 MS. MANCE: Mr. Cohen.

21 MR. COHEN: Here.

22 MS. MANCE: Mr. Sontz...

23 Ms. Molnar.

24 MS. MOLNAR: Here.

25 MS. MANCE: Mr. Eilbacher.



1 MR. EILBACHER: Here.

2 MS. MANCE: Mr. Reisen.

3 MR. REISEN: Present.

4 CHAIRMAN FUSARO: Thank you, Jenny.  
5 We have two reappointed members that need to be  
6 sworn in this evening. I'll turn it over to Katie  
7 who will swear in the two members.

8 MS. RAZIN: Mr. Eilbacher, raise  
9 your right hand.

10 (Whereupon, PAUL EILBACHER, having  
11 been duly sworn, was reappointed as a Member of  
12 the Westfield Board of Adjustment.)

13 MS. RAZIN: Great. Mr. Reisen,  
14 raise your hand.

15 (Whereupon, SAMUEL REISEN, having  
16 been duly sworn, was appointed as First Alternate  
17 Member of the Westfield Board of Adjustment.)

18 MS. RAZIN: Congratulations.

19 CHAIRMAN FUSARO: You moved up from  
20 two to one. Has everyone had a chance to review  
21 the meeting minutes from our last public meeting  
22 on April 10th? Any questions, comments, concerns,  
23 or revisions to the minutes? Seeing none, may I  
24 have a resolution to approve the minutes?

25 MR. MASCIALE: So moved.

1 MS. MOLNAR: Second.

2 CHAIRMAN FUSARO: All in favor.

3 BOARD MEMBERS: Aye.

4 CHAIRMAN FUSARO: Any opposed?

5 We have the memorialization of  
6 resolutions from our previous meetings. There are  
7 one, two, three, four, five.

8 The first resolution is Nathan  
9 Wheeler and Mili Shah, 114 Lincoln Road. Has  
10 everyone had a chance to review the resolution?  
11 Questions, revisions, comments? Seeing none.  
12 Jenny, can you please call the roll? I'm sorry,  
13 can I have a motion?

14 MS. MOLNAR: So moved.

15 CHAIRMAN FUSARO: Second?

16 MR. REISEN: Second.

17 CHAIRMAN FUSARO: Second by

18 Mr. Reisen. Jenny...

19 MS. MANCE: Chairman Fusaro.

20 CHAIRMAN FUSARO: Yes.

21 MS. MANCE: Vice-chair Masciale.

22 MR. MASCIALE: I don't believe I was  
23 here.

24 MS. MANCE: Oh, sorry. Mr. Cohen.

25 MR. COHEN: Yes.

1 MS. MANCE: Mr. Sontz...

2 Ms. Molnar.

3 MS. MOLNAR: Yes.

4 MS. MANCE: Mr. Eilbacher.

5 MR. EILBACHER: Yes.

6 MS. MANCE: Mr. Reisen.

7 MR. REISEN: Yes.

8 CHAIRMAN FUSARO: Thank you. The

9 next resolution is Application ZBA 22-040, Paul

10 and Alison Persiani, 239 Scotch Plains Avenue.

11 Has everyone had a chance to review the

12 resolution? Any comments? Revisions? Seeing

13 none, may I have a motion?

14 MR. COHEN: So moved.

15 MS. MOLNAR: Second.

16 CHAIRMAN FUSARO: Jenny, please call

17 the roll.

18 MS. MANCE: Chairman Fusaro.

19 CHAIRMAN FUSARO: Yes.

20 MS. MANCE: Mr. Cohen.

21 MR. COHEN: Yes.

22 MS. MANCE: Mr. Sontz...

23 Ms. Molnar.

24 MS. MOLNAR: Yes.

25 MS. MANCE: Mr. Eilbacher.

1 MR. EILBACHER: Yes.

2 MS. MANCE: Mr. Reisen.

3 MR. REISEN: Yes.

4 CHAIRMAN FUSARO: Thank you, Jenny.

5 The next resolution is Application ZBA 22-049,  
6 Clint and Amanda Rekemeier, 732 Mountain Avenue.

7 Has everyone had a chance to review the  
8 resolution? Any revisions or comments? Seeing  
9 none, may I have a motion?

10 MS. MOLNAR: So moved.

11 MR. REISEN: Second.

12 CHAIRMAN FUSARO: Jenny, please call  
13 the roll.

14 MS. MANCE: Chairman Fusaro.

15 CHAIRMAN FUSARO: Yes.

16 MS. MANCE: Vice-chair Masciale.

17 Sorry, you're not eligible.

18 Mr. Cohen.

19 MR. COHEN: Yes.

20 MS. MANCE: Mr. Sontz...

21 Ms. Molnar.

22 MS. MOLNAR: Yes.

23 MS. MANCE: Mr. Eilbacher.

24 MR. EILBACHER: Yes.

25 MS. MANCE: Mr. Reisen.

1 MR. REISEN: Yay.

2 CHAIRMAN FUSARO: Thank you, Jenny.  
3 The next resolution is Application Number 22-045,  
4 George Lyons, 718 Warren Street. Has everyone had  
5 a chance to review the resolution? Any revisions  
6 or comments? Seeing none, may I have a motion?

7 MR. REISEN: So moved.

8 MS. MOLNAR: Second.

9 CHAIRMAN FUSARO: Jenny, please call  
10 the roll.

11 MS. MANCE: Chairman Fusaro.

12 CHAIRMAN FUSARO: Yes.

13 MS. MANCE: Mr. Cohen.

14 MR. COHEN: Yes.

15 MS. MANCE: Mr. Sontz...

16 Ms. Molnar.

17 MS. MOLNAR: Yes.

18 MS. MANCE: Mr. Eilbacher.

19 MR. EILBACHER: Yes.

20 MS. MANCE: Mr. Reisen.

21 MR. REISEN: Yay.

22 CHAIRMAN FUSARO: Thank you. Our  
23 last resolution is Application ZBA 23-18, Valuca  
24 Realty, LLC, 232 Saint Paul Street. Has everyone  
25 had a chance to review the resolution? This was a

1 resolution from our special meeting. Seeing no  
2 comments or questions, may I have a motion?

3 MR. MASCIALE: So moved.

4 MR. REISEN: Seconded.

5 CHAIRMAN FUSARO: Jenny, please call  
6 the roll.

7 MS. MANCE: Chairman Fusaro.

8 CHAIRMAN FUSARO: Yes.

9 MS. MANCE: Vice-chair Masciale.

10 MR. MASCIALE: Yes.

11 MS. MANCE: Mr. Sontz...

12 Ms. Molnar.

13 MS. MOLNAR: Yes.

14 MS. MANCE: Mr. Eilbacher.

15 MR. EILBACHER: Yes.

16 MS. MANCE: Mr. Reisen.

17 MR. REISEN: Yay.

18 CHAIRMAN FUSARO: Thank you. Moving  
19 to our applications for the evening. We have a  
20 full agenda this evening with seven applications.  
21 We'll try to get through as man as we can. We  
22 usually take a break in about an hour and a half  
23 or so, and at that time, we'll see where we are  
24 and let everyone know how many people we're going  
25 to be able to get to this evening. We'll try to

1 keep it moving along and try to get to as many as  
2 we can. So thank you for your patients.

3 The first application is Application  
4 ZBA 22-044, Elshiekh Enterprises, 612 Downer  
5 Street. Applicant is seeking to demolish an  
6 existing nonconforming two-family dwelling and  
7 construct a new two-family dwelling in the RS-6  
8 single-family residence district contrary to the  
9 following section of the Westfield Land Use  
10 Ordinance: Section 11.09D where any use structure  
11 other than uses or structures permitted in Section  
12 11.09A, B or C are prohibited, and a two-family  
13 residential use is not permitted in Section  
14 11.09A, B or C.

15 Good evening. I just want to make  
16 you aware that this is a "d" application, it will  
17 require five affirmative votes in order for it to  
18 pass.

19 MR. GOODMAN: Thank you,  
20 Mr. Chairman, good evening. Gary Goodman on  
21 behalf of Elshiekh Enterprises. It's my  
22 understanding you have six members voting.

23 CHAIRMAN FUSARO: We have six  
24 members this evening, yes. So we'll leave that up  
25 to you if you'd like to wait for another meeting

1 and possibly have seven, but we have six this  
2 evening.

3 MR. GOODMAN: I left it up to my  
4 client. He would like to proceed this evening.

5 CHAIRMAN FUSARO: Please.

6 MR. GOODMAN: As the Chairman  
7 stated, this is an existing two-family house which  
8 my client is proposing to demolish and construct a  
9 new two-family house. The existing house has a  
10 number of nonconforming conditions, including in  
11 addition to the two-family use, minimum side yard,  
12 accessory building located within 10 feet from the  
13 principal structure, maximum building mass at the  
14 zoning side yard, minimum garage offset. And all  
15 these nonconformities will be eliminated if this  
16 application is granted and a new two-family is  
17 built. I also wish to point out that this house  
18 exists as the last lot separating the one-family  
19 zone from the two-family zone. The house adjacent  
20 to ours in the two-family zone is a two-family  
21 house. And this house, the house that is proposed  
22 to be demolished, was built in 1967, and my  
23 planner will address whether there was a purpose  
24 in drawing the line in between two existing  
25 two-family houses. My witness tonight for both



1 planning and engineering is Tony Gallerano and I  
2 have the owner and the builder, Hany Elshiekh, who  
3 will be testifying. And I also would like to note  
4 that Mr. Elshiekh will confirm that this is not a  
5 speculative house being proposed, rather a house  
6 that his family -- it's going to be an owner/user  
7 in the sense of his daughter wanting to be living  
8 in one of the apartment units.

9 (Whereupon, Board Member, Mr. Sontz,  
10 joins the proceedings.)

11 CHAIRMAN FUSARO: Excuse, me. Let's  
12 just note for the record that Mr. Sontz has  
13 arrived.

14 MR. GOODMAN: That's giving me  
15 seven, yes?

16 CHAIRMAN FUSARO: Yes.

17 MR. GOODMAN: Okay. Thank you.  
18 Without any further ado, I'd like to call Tony  
19 Gallerano and he is going to be giving both  
20 engineering and planning testimony. And my  
21 question for you, Mr. Chairman, is do you want me  
22 to separate the two testimonies so questions can  
23 be asked, or can I just ask my questions of  
24 Mr. Gallerano of both planning and engineering?

25 CHAIRMAN FUSARO: I think that it

1 would be fine just to go ahead with both planning  
2 and engineering. Please state your name and  
3 address for the record and spell your last name.

4 MR. GALLERANO: Sure. Anthony  
5 Gallerano, G-a-l-l-e-r-a-n-o, with the firm of  
6 Harbor Consultants. I'm located at 320 North  
7 Avenue East in Cranford.

8 CHAIRMAN FUSARO: Please raise your  
9 right hand.

10 ANTHONY GALLERANO, having been duly  
11 sworn, was examined and testified as follows:

12 CHAIRMAN FUSARO: Can you also -- I  
13 don't believe we've seen you appear before our  
14 Board this year. Could you just give us a little  
15 background of your licensing and so on?

16 MR. GALLERANO: Sure. I'm a  
17 graduate of the New Jersey Institute of  
18 Technology. I graduated in 1984 with a degree in  
19 civil engineering. I'm a licensed professional  
20 engineer and professional planner since 1988.  
21 Since then, I've engaged in numerous applications  
22 with boards throughout the State of New Jersey and  
23 considered an expert in planning and engineering.  
24 I've also testified in front of this board and the  
25 Westfield Planning Board on several occasions.

1                   CHAIRMAN FUSARO: Thank you. Your  
2 license is current in the State of New Jersey?

3                   MR. GALLERANO: They are.

4                   CHAIRMAN FUSARO: Anyone have any  
5 questions? We'll continue to recognize you as an  
6 expert in the field of engineering and planning.  
7 Please proceed.

8                   MR. GALLERANO: Thank you.

9 BY MR. GOODMAN:

10                Q.           Mr. Gallerano, could you explain to  
11 the board the existing conditions, what exists on  
12 the site now?

13                A.           Sure. What I have is these are just  
14 blowups of plans that were submitted. They were  
15 plans papered by Guarriello and Dec dated  
16 September 1, 2022. I did review the plans, and I  
17 will be utilizing them tonight with my discussion.  
18 Looking at the exhibit that's up, to the left is  
19 the existing conditions. To the right are the  
20 proposed conditions. What's currently situated on  
21 the property is a two-family dwelling. It's in an  
22 up-and-down configuration. There's a two-car  
23 garage that's actually in a level condition. And  
24 I'll also point to a photograph -- I believe these  
25 are also submitted with the application -- and if

1 you look at the two top photographs you'll see  
2 that the driveway actually slopes towards the  
3 garage away from the street; which actually is a  
4 very undesirable configuration; it's just inviting  
5 a drainage problem. And, again, that's probably  
6 just a sign of the times. My understanding is  
7 that this dwelling was built somewhere around  
8 1967.

9 As Mr. Goodman pointed out, there  
10 are several nonconformities associated with the  
11 property. One being, first and foremost, it's a  
12 two-family dwelling located in a single-family  
13 zone. The RS-6 does not permit two-family zones,  
14 so there's an existing nonconforming use in that  
15 zone. There are, again, several bulk conditions  
16 that are not conforming. One being minimum side  
17 yard, accessory building too close to the  
18 dwelling, maximum building mass at minimum side  
19 yard, and minimum garage offset.

20 What the Applicant is proposing to  
21 do is to completely demolish the existing  
22 two-family dwelling and create a new, more updated  
23 two-family. The two-family will be in a duplex  
24 configuration sometimes called "side-by-side" also  
25 sometimes called "semi-detached." Each of the

1 dwelling units will have a one-car garage, and a  
2 driveway in front. And the driveways will also be  
3 side-by-side. We're eliminating the driveways to  
4 one driveway cut. There's currently one driveway  
5 cut now, and in the proposed condition, there's  
6 also one driveway cut.

7 That's pretty much the overall  
8 configuration. The lot has a total square footage  
9 of 9,903.75 square feet. It has a width of 62.5  
10 and a depth of 145.5 feet. All the bulk  
11 requirements are being met. There're no "c"  
12 variances being requested or required. It's just  
13 a fact of the reinstatement of the d(1) variance  
14 because the building is being taken down,  
15 completely reconstructed, we need to come back and  
16 reapply for that d(1) variance. So I'll point out  
17 this is located in the RS-6 zone again which does  
18 not permit a two-family use. Interestingly, as  
19 Mr. Goodman pointed out, this lot borders right on  
20 the RM-6 zone which would be to the east or to the  
21 right looking at the exhibit. Interestingly, this  
22 seems like this lot should have been in the RS-6  
23 zone. We see the zoning map was created in 2001  
24 which seemed illogical why this one lot would have  
25 been left in the single-family zone and why the

1 zoning wouldn't have been drawn to the westerly  
2 property line, therefore, including that in that  
3 zone. Also, interestingly, the house directly to  
4 the right is also a two-family. So you're zone  
5 line actually splits two two-family dwellings; so  
6 you have one in the RS-6 and one in the RM-6.  
7 Again, it's speculation, but it seemed like  
8 logically or a point of principles that line  
9 probably -- one would be drawn to the west,  
10 therefore, including this lot in the RM-6.  
11 However, the official map is what it is, so we  
12 need to be here tonight for the d(1) variance.

13                   The duplex configuration, the  
14 side-by-side, does give a feel of having signal  
15 families. Like sometimes they're called  
16 "semi-detached single-family dwellings" rather  
17 than a conventional or sometimes an outdated  
18 up-and-down two-family. Which, typically, by  
19 today's standards, we don't really don't do those  
20 anymore unless you have a lot that's extremely  
21 narrow and you couldn't do a side-by-side and you  
22 might do an up-and-down. But most of the two  
23 families that we've been building in recent years  
24 have all been duplexes. Again, I'll say a more  
25 modern or updated type of configuration.

1                   So with that, I'm just going to move  
2                   into the planning aspect going to the legal proofs  
3                   of the d(1) variance. First test; is the site  
4                   particularly suited for the use? I would say it  
5                   passes that test, it's already a two-family use.  
6                   We're not changing that use, just, again,  
7                   modernizing the dwelling that's on it. Respective  
8                   to the negative criteria the proof is can the  
9                   variance be granted without any substantial  
10                  detriment to the zone plan or substantial  
11                  impairment to the intent and purpose of the zoning  
12                  ordinance. Again, it's already a two-family use.  
13                  There're no bulk variances being required. All of  
14                  the existing nonconformities will be eliminated,  
15                  so it brings the house with the property fully  
16                  into compliance with the bulk standards. If this  
17                  house also was in the RM-6 zone, it would also  
18                  meet all of those bulk standards for the RM-6.  
19                  And then lastly, we'll provide off-street parking  
20                  with a driveway and garage spaces.

21                   With respect to the positive  
22                   criteria, I believe there're several purposes of  
23                   zoning that are being met. Under Paragraph G, it  
24                   talks about providing sufficient space and  
25                   appropriate locations for various uses including

1 residential. Paragraph I, which talks about  
2 promoting a desirable visual environment. In this  
3 case, taking down an older dwelling unit,  
4 replacing it with a new modern-looking and  
5 much-enhanced structure. Certainly, the visual  
6 environment will be enhanced. And then, lastly,  
7 under Paragraph M, we talked about the efficient  
8 use of land. So I think under those three  
9 purposes of zoning, I believe the positive  
10 criteria is being met.

11 And then lastly, took a look at the  
12 Master Plan, looked at your goals and objectives.  
13 I think they're several goals and objectives that  
14 are being met. Under 2(a) it talks about zoning  
15 designation based on existing neighborhood  
16 development, patterns, and according to the  
17 environments for the respected residential uses.  
18 2(d) regulations to preserve and enhance the  
19 visual appearance of residential neighborhoods.  
20 Again, I think this is going to be a visual  
21 enhancement. Under Paragraph 8(a) various zone  
22 districts that permit single-family detached,  
23 two-family and single-family detached, and  
24 multi-family dwellings where appropriate. And  
25 again, I think that there's no more appropriate



1 location where we have a two-family use. So with  
2 that, I believe that the proofs are met; positive  
3 and negative criteria are both being met. And I  
4 believe that there's not substantial impairment of  
5 the intent of the zone plan or ordinance. With  
6 that, I'm done with direct.

7 CHAIRMAN FUSARO: Thank you. I  
8 believe I have -- Mr. Goodman, is it okay if I ask  
9 questions?

10 MR. GOODMAN: Yes, please.

11 CHAIRMAN FUSARO: Two quick  
12 questions. Number one; you have testified and the  
13 application reads that you're going to construct  
14 -- you're taking down a two-family home and you're  
15 constructing a new two-family home. The  
16 engineering site plans that were submitted,  
17 similar plans, state the new dwelling to be a  
18 duplex.

19 MR. GALLERANO: Correct.

20 CHAIRMAN FUSARO: Is it a duplex or  
21 a two-family home? Because they are two distinct  
22 different items.

23 MR. GALLERANO: Well, I mean  
24 two-family could be either, like I said,  
25 up-and-down or side-by-side. Again, sometimes

1 duplexes are called "duplex" because they're  
2 side-by-side, they're sometimes called -- your  
3 ordinance doesn't refer to it that way. But in  
4 planning, we also call that semi-detached  
5 single-family. They have a single-family feel,  
6 but it is a two-family because you have the two  
7 uses in the same building -- or two units in the  
8 same building.

9 CHAIRMAN FUSARO: The reason I asked  
10 the question is a legal duplex can be divided at  
11 the common wall and sold off as two separate  
12 properties. Is there any intention of that being  
13 done here that you know of?

14 MR. GOODMAN: Mr. Elshiekh will  
15 answer that question.

16 CHAIRMAN FUSARO: That's fine. I  
17 just want some clarification. And, Jenny, does  
18 our ordinance define two-family versus duplex?

19 MS. MANCE: I am looking at the  
20 duplex definition now. It says "same as an  
21 attached dwelling unit, but limited to two units."  
22 And a two-family would be for two units.

23 MR. GALLERANO: You could also go up  
24 and down. I mean it doesn't just have to be -- a  
25 side-by-side --

1 (Crosstalk.)

2 CHAIRMAN FUSARO: A side-by-side is  
3 usually splitting the lots, coming back for a  
4 subdivision, subdividing the lots, selling them  
5 off, and have two separate owners. Whereas, the  
6 top-and-bottom, obviously that's --

7 MR. GALLERANO: Understood.

8 CHAIRMAN FUSARO: And then my other  
9 question pertained to lot coverage. I don't know  
10 if you've discussed that at all, but can you just  
11 elaborate a little on whether the new structure  
12 will increase the lot coverage even a little, and  
13 if so, have you addressed or taken a look at what  
14 the plans might be with respect to stormwater  
15 drainage, dry wells, etcetera?

16 MR. GALLERANO: Yeah. The maximum  
17 lot coverage permitted is 50%. The existing is  
18 24.95, and the proposed 29.49. So we have roughly  
19 you know two -- I'm sorry -- 5-plus, 5 1/2%  
20 increase in impervious coverage. So it's still  
21 conforming, but there's a slight increase.

22 CHAIRMAN FUSARO: And you haven't  
23 seen any issues with drainage?

24 MR. GALLERANO: No. I mean, again,  
25 it's a very small increase and all of the runoff

1 will be directed to the street. So there will be  
2 no runoff to any adjoining properties.

3 CHAIRMAN FUSARO: Do any Board  
4 Members have any questions for the engineer or  
5 planner? Turn your mic on.

6 MS. MOLNAR: In this photo, there's  
7 a structure in the back; what is it?

8 MR. GALLERANO: I guess the owner  
9 can -- I'm not sure.

10 CHAIRMAN FUSARO: We'll ask the  
11 Applicant when he comes up.

12 MS. MOLNAR: Okay. Sorry.

13 CHAIRMAN FUSARO: Any other Board  
14 Members have any questions for the engineer or  
15 planner at this time?

16 MR. COHEN: I have a couple of  
17 questions. You've testified that this is right on  
18 the border of the RS-6 and RM-6 zones; right?  
19 That was your testimony?

20 MR. GALLERANO: Yes.

21 MR. COHEN: Do we have any  
22 indication from either the zoning plan or the  
23 hearing during which the zoning plan was adopted  
24 as to why the dividing line was made on the wrong  
25 side of this house as opposed to on the other side

1 to incorporate the two-family? Presumably, aren't  
2 we to presume that the council understood where it  
3 was drawing the line and aren't we to infer from  
4 that the limit the council intended that this was  
5 to be in a single-family zone?

6 MR. GALLERANO: I'll just speculate  
7 again. It appears from a planning perspective --  
8 I mean I do this also, zoning maps with  
9 ordinances. Typically, we wouldn't do this from a  
10 planning perspective, but I can't say that it  
11 wasn't done intentionally from the council, but  
12 from a planning perspective, it's something we  
13 typically wouldn't do. When there's an existing  
14 two-family right adjoining a two-family zone, we  
15 generally capture that in the two-family zone. We  
16 generally don't try to create nonconformance.  
17 When we do zoning and we do Master Plans and do  
18 ordinances, we always try to bring -- the goal is  
19 to try to bring things into conformance not  
20 purposely put them out of conformance. So it just  
21 would defy some of the planning principles. Now,  
22 there could have been a reason why it was done; I  
23 don't know. But just from my experience in doing  
24 this, it's something we wouldn't typically do.  
25 And seeing that, again, my speculation is that the

1 line probably should have been drawn to the west  
2 and not the east. But I can't say for sure.  
3 There could have been a reason. It just, again  
4 defies regular town planning principles.  
5 Typically, we try to do the opposite, we try to  
6 bring things into conformance, not intentionally  
7 put them out of conformance.

8 CHAIRMAN FUSARO: Understood. Any  
9 other questions for the engineer/planner at this  
10 time? I'm going to let you continue, Mr. Goodman,  
11 but you know what... does anyone in the audience  
12 have any specific questions for the  
13 engineer/planner at this time? You'll be able to  
14 come up later and address the Applicant. Please  
15 come forward. State your name and address for the  
16 record.

17 MS. BROWN: A quick question, I  
18 couldn't hear. Jill Brown, 619 Downer, directly  
19 across the street.

20 CHAIRMAN FUSARO: Please raise your  
21 right hand.

22 JILL BROWN, having been duly sworn,  
23 was examined and testified as follows:

24 MS. BROWN: At first, I heard him  
25 say that the way the driveway was for the drainage

1 was a problem, however, I wasn't sure that the  
2 plan is changing that.

3 CHAIRMAN FUSARO: I believe he said  
4 that -- and correct me if I'm wrong -- that  
5 currently, the driveway drains towards the house.

6 MS. BROWN: Yes.

7 CHAIRMAN FUSARO: I'm assuming -- I  
8 don't know if there's a grading plan in here -- I  
9 would assume the new driveway would drain away  
10 from the house; is that correct?

11 MR. GALLERANO: Yeah, that's the  
12 goal to reverse that.

13 CHAIRMAN FUSARO: Does that answer  
14 your question?

15 MS. BROWN: Yeah. I thought you  
16 asked what was the -- is there an improvement. I  
17 didn't hear that there was a drainage improvement.

18 CHAIRMAN FUSARO: There will be no  
19 improvement, per se. What I asked was since the  
20 coverage is increasing slightly, does he believe  
21 in his expert opinion whether it would be an issue  
22 with the stormwater drainage on the site and were  
23 there any plans to install a dry well to handle  
24 any extra additional storm drainage runoff? And  
25 the engineer said in his expert testimony that,

1 no. The increase is only approximately 5% in  
2 coverage, it's minimal, and he believes that the  
3 current way the lot currently drains is  
4 single-family. Does that answer your question?

5 MS. BROWN: Yes.

6 CHAIRMAN FUSARO: Great. Thank you  
7 so much. Anyone else have a specific question for  
8 the engineer or planner; in the audience?

9 MR. COHEN: Can I ask another  
10 question?

11 CHAIRMAN FUSARO: Yes, please.

12 MR. COHEN: I'm just curious; are  
13 there any other duplexes or two-family homes on  
14 the RS-6 side of the line that are in close  
15 proximity to the Applicant?

16 MR. GALLERANO: I did not see any --  
17 again, looking at the neighborhood, looking for  
18 signs things like lots with two meters  
19 (indiscernible ) I didn't see any. There are  
20 similar newer duplexes on the other side of  
21 Palsted, several on Downer. There's one on the  
22 corner of Cumberland and Palsted, so there are not  
23 in the RS but in close proximity on the RM-6 zone.

24 MR. COHEN: But they're permitted in  
25 that zone.



1                   MR. GALLERANO: They're permitted,  
2                   yes. They're permitted in that zone.

3                   MR. COHEN: Can you clarify for me  
4                   how this development is consistent with  
5                   neighborhood development patterns? I think what  
6                   you testified to before was part of the positive  
7                   criteria.

8                   MR. GALLERANO: I was referring to  
9                   the Master Plan about the neighborhood patterns.  
10                  But there is a two-family directly to the east or  
11                  to the right. Again, this is right on the zone  
12                  line. So when you get on the RS-6 side, they are  
13                  single families predominately from what I could  
14                  see. On the RM-6 side; it's a mixture. Some  
15                  homes are Tudors. There are some newer duplexes.  
16                  Some older two families. Again, it's right on the  
17                  border, so it's consistent with the RM-6 side,  
18                  it's not consistent with the RS-6 side, but it's  
19                  already -- again, it's already a two-family use,  
20                  so we're not looking to change the use. We're  
21                  just looking to keep the use that's there already.  
22                  So it's consistent with the use that's on the  
23                  property there now.

24                  MR. COHEN: So what, if anything,  
25                  are we to do about preventing further encroachment

1 by anybody else who buys a neighboring house who  
2 wants to put up a two-family in the RS-6?

3 MR. GALLERANO: Well, anybody who  
4 would want to do that would have to come back to  
5 this board.

6 MR. COHEN: Obviously.

7 MR. GALLERANO: But again, what's  
8 unique about this is it's already a two-family.  
9 So somebody comes in, say the next house to the  
10 west, one over, came in and said I want to convert  
11 my one-family into a two-family is entirely a  
12 different application. You're talking about going  
13 from a one to a two. This is a two, to a two. So  
14 we're not changing the use. If somebody else  
15 would want to come here to do that, that's an  
16 entirely different application.

17 CHAIRMAN FUSARO: I have a couple of  
18 follow-up questions to Mr. Cohen. In the RS-6  
19 zone on the rest of the lot, this particular lot  
20 is the boarding lot, were there any other two  
21 families on the RS-6 side that you know of?

22 MR. GALLERANO: I didn't see any.  
23 None of them were obvious. There could be some,  
24 but they weren't obvious if they were two.

25 CHAIRMAN FUSARO: Similarly, on the

1 RM-6 side, are there any single-family homes that  
2 you know of?

3 MR. GALLERANO: Yeah. There's a mix  
4 of ones and twos.

5 CHAIRMAN FUSARO: So the street has  
6 a mix of both?

7 MR. GALLERANO: Yes, absolutely.

8 CHAIRMAN FUSARO: Thank you. Anyone  
9 else have any questions for the planner or  
10 engineer at this time? Seeing none. Mr. Goodman,  
11 please continue.

12 MR. GOODMAN: I'd like to call Hany  
13 Elshiekh.

14 MR. ELSHIEKH: Good evening.

15 CHAIRMAN FUSARO: Please state your  
16 name and address for the record and spell your  
17 last name, please.

18 MR. ELSHIEKH: Hany Elshiekh,  
19 Elshiekh Enterprises.

20 CHAIRMAN FUSARO: Please raise your  
21 right hand.

22 HANY ELSHIEKH, having been duly  
23 sworn, was examined and testified as follows:

24 CHAIRMAN FUSARO: Thank you so much.  
25 Please proceed.

1 BY MR. GOODMAN:

2 Q. Mr. Elshiekh, you're the owner of  
3 this property?

4 A. Yes.

5 Q. And to answer the Chairman's  
6 question, do you have any intent here to condo  
7 this?

8 A. Absolutely not.

9 Q. In point of fact, there's some  
10 familiar desire, family desire to purchase and  
11 build here; is there not? Can you explain to the  
12 Board what your intent is?

13 A. I built one duplex across from the  
14 high school on Trinity Place a few years back for  
15 my son and my daughter. My daughter wants  
16 (indiscernible) same from her brother. So when I  
17 picked up this property she kind of fell in love  
18 with it. She loves the street. She loves it's  
19 close to the pool. She loves the quiet because  
20 the high school location across from the high  
21 school is a little rough. So with that, she wants  
22 to build it. And being a school teacher, I'm  
23 trying to help her so she can be set for it on one  
24 side, and, hopefully, rent out the other side to  
25 help pay the bills.

1           Q.           If you're approved this evening,  
2           this side-by-side two-family, one of the units is  
3           going to be -- the whole thing is going to be  
4           owned by your daughter?

5           A.           Correct.

6           Q.           And she's going to live on one side  
7           of it?

8           A.           Correct.

9           Q.           There was a question from one of the  
10          Board Members with regard to the picture. That  
11          looks like a little shed in the back?

12          A.           No, it's not a shed. It's actually  
13          an old barbecue, barbecue grill with bricks which  
14          was knocked down. As a matter of fact, there was  
15          also a big oak tree, a humongous oak tree that got  
16          knocked down in a storm and did some damage to the  
17          property as well.

18          Q.           Turning to the plans, you retained I  
19          think the architectural firm of Roger Winkle --

20          A.           Correct.

21          Q.           -- to draw up some plans for you?

22          A.           Yes.

23          Q.           These are the plans, the Board has  
24          those plans?

25          A.           Yes.

1           Q.           Could you explain to the Board in  
2 terms of each unit what they're going to look  
3 like?

4           A.           Okay. So each unit is going to  
5 consist of a living area, kitchen, and powder room  
6 on the first floor. And then we go to -- when we  
7 get to the page -- the first floor has a hallway  
8 area, powder room, kitchen, a great room. And we  
9 go to the second floor; the second floor consists  
10 of three bedrooms, a decent walk-in closet, a  
11 bathroom, a bathroom in our other two bedrooms, a  
12 laundry room, and up in the attic we added, like,  
13 an office spot in the bedroom because sometimes  
14 she works from home. It can be functional for her  
15 with a bathroom as well. And the basement will be  
16 finished with a 1/2 bathroom as well.

17          Q.           Mr. Elshiekh, the facade, the skin  
18 of this house as it's going to be presented to the  
19 neighborhood and to everybody else, what type of  
20 materials are you going to use?

21          A.           We're going to be using Hardie plank  
22 siding. And the water line, it's going to be  
23 stone, natural stone. So it's going to be kind of  
24 similar to what the architect shows except for  
25 this part here. (Indicating.) That's going to be

1 the stone and the rest of the house is going to be  
2 Hardie siding.

3 MR. GOODMAN: Questions for the  
4 Board.

5 CHAIRMAN FUSARO: You mentioned that  
6 -- could you once again describe which areas are  
7 going to be stone? Because I'm looking at the  
8 plans from Mr. Winkle, and I believe he has Hardie  
9 plank everywhere.

10 MR. ELSHIEKH: The doesn't really  
11 show how we're -- it's the fine lines, the defined  
12 lines.

13 (Crosstalk.)

14 CHAIRMAN FUSARO: Okay. Thank you.

15 MR. ELSHIEKH: Like a foot,  
16 foot-and-a-half.

17 CHAIRMAN FUSARO: Any Board Members  
18 -- I just want to confirm what Mr. Goodman asked  
19 you; you are not planning on subdividing this and  
20 selling it --

21 MR. ELSHIEKH: Absolutely not.

22 CHAIRMAN FUSARO: Thank you. Any  
23 Board Members have any questions for the  
24 Applicants at this time?

25 MS. MOLNAR: Just to clarify, it's

1 going to be a four-bedroom unit?

2 MR. ELSHIEKH: Correct.

3 MS. MOLNAR: With a full bath on the  
4 second floor.

5 MR. ELSHIEKH:

6 MR. EILBACHER: And there's a  
7 bathroom up in the attic as well.

8 MS. MOLNAR: Now, does this  
9 third-floor count towards FAR?

10 CHAIRMAN FUSARO: Jenny?

11 MS. MANCE: The attic floor you're  
12 asking? As long as it's less than 1/3, which I  
13 believe it is less than 1/3, it will not count  
14 towards FAR.

15 MS. MOLNAR: So this is considered a  
16 2 1/2-floor dwelling; right?

17 MS. MANCE: That's correct.

18 CHAIRMAN FUSARO: Any other Board  
19 Members have any questions for the Applicant at  
20 this time?

21 MS. MOLNAR: What is the height of  
22 the building?

23 MR. ELSHIEKH: I believe we're going  
24 to keep it under 32 feet.

25 CHAIRMAN FUSARO: It looks like



1 31-foot-1 from Mr. Winkle's Sheet, A-3.

2 MS. MOLNAR: And 32 is the max?

3 CHAIRMAN FUSARO: I believe so.

4 Jenny, 32?

5 MS. MANCE: I believe it is 32.

6 MS. MOLNAR: So it's like...

7 MR. MASCIALE: It's a foot under.

8 MR. COHEN: Essentially, aside from  
9 the existing two-family, we're eliminating one of  
10 the existing nonconformities; correct?

11 MR. GOODMAN: Yes.

12 MR. ELSHIEKH: Yup.

13 CHAIRMAN FUSARO: Any other Board  
14 Members?

15 MS. MOLNAR: How will this compare  
16 to the other homes on the street? Will this be a  
17 lot taller than the other homes?

18 MR. ELSHIEKH: No. You got some  
19 homes to the left, one was just sold was kind of  
20 about the 30, 31-32 feet, it's a three-story.

21 MR. MASCIALE: I think, Carol, when  
22 you look up and down the street, it's going to be  
23 a little larger than most, but I don't think it's  
24 going to be that -- most definitely, I don't agree  
25 with the testimony that's being made. I see a

1 mixture on the street.

2 MS. MOLNAR: All right.

3 CHAIRMAN FUSARO: Any other  
4 questions from the Board? Anyone from the  
5 audience have any questions for the Applicant,  
6 please come forward, state your name and address  
7 for the record.

8 MS. BROWN: Hi, Jill Brown,  
9 619 Downer. I have a quick question about the  
10 testimony. First, it was stated that a company  
11 owns the property, then, it was stated that the  
12 daughter will own it. So how does -- I mean, I  
13 guess, how does that -- I'm thinking if you're  
14 going to see it at \$700,000 to the daughter, how  
15 does that work? If it's already sold by the  
16 company, then how could it be -- I mean if it's  
17 already owned by the company, how could it be  
18 owned by the daughter?

19 MR. ELSHIEKH: I can answer this.

20 CHAIRMAN FUSARO: Let Mr. Goodman  
21 answer this.

22 MR. GOODMAN: Elshiekh Enterprises  
23 is Mr. Hany Elshiekh's company. And when you  
24 build things, you try to build them in an LLC so  
25 that liability stays away from the individual.

1       Once the house is completed, he can sell the house  
2       to his daughter for \$1.00, he can give it to her.  
3       He can do a lot of things as long as there's no  
4       debt that interferes with that transaction. So in  
5       answer to that question, we're not hiding the ball  
6       here, it's just very customary to do it in this  
7       manner.

8                       CHAIRMAN FUSARO: Yes, I agree.  
9       Generally speaking, because of liability purposes,  
10      a lot of two-family homes or multi-family  
11      properties are held in an LLC simply for a lot of  
12      reasons, and that the members of that LLC are  
13      generally individuals, and I believe that that's  
14      the case here.

15                      MR. ELSHIEKH: Yup.

16                      MS. MOLNAR: What would the rent be  
17      for a unit like this?

18                      MR. ELSHIEKH: What's the rental for  
19      a new duplex?

20                      MS. MOLNAR: Yeah. Like, how much  
21      would it be?

22                      MR. ELSHIEKH: It could be anywhere  
23      from \$4,000 to \$5,000 a month.

24                      MS. MOLNAR: Wow.

25                      MR. GOODMAN: God bless America.

1                   MR. COHEN: What are we to make of  
2 concerns locally about overdevelopment or  
3 overbuilding here? I understand you're taking a  
4 two and making it a two. But this is in the RS-6  
5 zone, it's a single-family zone, and if we're  
6 going to do something that's permitted, it would  
7 be a two to a one; which is double to a  
8 single-family; right? What are we to do about the  
9 concerns about overdevelopment here?

10                   MR. ELSHIEKH: That question is for  
11 me or to...?

12                   MR. COHEN: You're the Applicant,  
13 so...

14                   MR. ELSHIEKH: I don't see it to be  
15 overdevelopment because this here is just I'm  
16 taking a two-family down, I'm building a new  
17 two-family. It's a hardship for me not to have  
18 you know two-family new build, you know, while I  
19 bought a two-family, a legal two-family; I need a  
20 two-family. So I'm replacing a two-family with a  
21 two-family. Where would be the overdevelopment?

22                   MR. GOODMAN: I would just add that  
23 overdevelopment, in my mind, would be defined as  
24 taking away one and asking for a two. In that  
25 sense, you're increasing and you're overdeveloping

1 the site perhaps. But in this particular case, it  
2 sounds neutral to me to go from a two to a two.  
3 So I don't believe that we check the box of  
4 overdevelopment.

5 MR. COHEN: You're going from a  
6 small two to a bigger two; right? You're going  
7 from a small two to a bigger two considerably;  
8 right? You're putting in two four-bedroom units;  
9 right?

10 MR. GOODMAN: That is true.

11 MR. COHEN: Are there currently four  
12 bedrooms in the units that currently exist there  
13 now?

14 MR. ELSHIEKH: No. Just three  
15 bedrooms right now.

16 MR. COHEN: So you're going from a  
17 three and a three to a four and a four; right?

18 MR. ELSHIEKH: Correct.

19 MR. COHEN: So you are expanding the  
20 property significantly 25%?

21 MR. ELSHIEKH: Well, in reality --  
22 the engineer, I believe he answered the  
23 question -- the overall coverage only increases by  
24 5%. So whatever we're doing in the design, we're  
25 making it work, we're only increasing 5%. We're

1 not increasing 20% or 25%; it's only 5%. And  
2 we're making the house more functional because the  
3 existing home is not functional. A three bedroom  
4 is not functional; especially one floor. While  
5 the second floor would be able all the time there  
6 are noises coming to the first floor, and it's  
7 just not a comfortable situation anymore for a lot  
8 of families. So people like to have that kind of  
9 separation in between this way they can be  
10 comfortable and, you know, not hear complaints  
11 from people who live in there.

12 MR. COHEN: To be clear, I take no  
13 issue and I fully credit your temporary that  
14 you're going to make the building more functional.  
15 My concern is just potential occupancy. Whether  
16 it's how many people can end up living in a place  
17 like this.

18 MR. ELSHIEKH: Well, my daughter  
19 rented her side on Trinity Place to a family of  
20 four. So it's usually husband, wife, and two  
21 kids. And we're very much, like, consistent with  
22 other properties that I personally own; I keep it  
23 family. This is not a rooming house. Okay. So  
24 it's a family. And a family today of four, do you  
25 want to have each child in the one bedroom. And

1 most of the time, one of the family members, the  
2 husband or the wife or whatever, they require to  
3 have an office, you know, home office. Everybody  
4 today wants a home office. If it's not going to  
5 have a home office, it's not functional anymore  
6 for a lot of families out there. So when you have  
7 the extra room, it's more requested when you say,  
8 you know, office for rent because it's more  
9 desirable to a lot of families versus a  
10 three-bedroom with a family of four, it's kind of  
11 very tight today. It's not very desirable like  
12 the four.

13 MR. COHEN: Thank you.

14 CHAIRMAN FUSARO: Chris, did you  
15 want to add something?

16 MR. MASCIALE: No, Frank. I was  
17 just going to comment with what Michael picked up  
18 on that it is an increase in massing. And, you  
19 know, I'll make comments at the end. I just want  
20 to...

21 CHAIRMAN FUSARO: I'd like to ask  
22 you the obvious question. You have an existing  
23 two-family home, you don't want to renovate it,  
24 you want to tear it down and build a new one? And  
25 you've explained some of the reasons; noise on the

1 second floor, etcetera. Have you given any  
2 consideration to modifying the existing home?

3 MR. ELSHIEKH: When I first bought  
4 the property, that was it, that was what I was  
5 going for; renovate the property. But we found  
6 out that this property, the house itself has so  
7 much problems. A structure problem on the inside.  
8 So we started to add it up to see what exactly is  
9 that going to take us cost-wise. And the cost for  
10 renovation today; it costs you a lot more money  
11 than new construction. Then my daughter, GiGi,  
12 she came and looked and said I love this location,  
13 I want this to be mine. So that picture when I  
14 bought it was not for her. The intention when I  
15 bought it, it was just for me to renovate it and  
16 rent. Add it to inventory rental. But things  
17 changed when she said, you know what, I just love  
18 this location, I want to get out of my brother's  
19 partnership and I want to be on my own. So that's  
20 when things get changed.

21 CHAIRMAN FUSARO: So, basically, it  
22 wasn't cost-effective to renovate the existing  
23 home.

24 MR. ELSHIEKH: Yes.

25 CHAIRMAN FUSARO: Got it. Thank



1 you.

2 MR. GOODMAN: You own the building  
3 yourself?

4 MR. ELSHIEKH: Yes, yes.

5 CHAIRMAN FUSARO: Any other  
6 questions for the Applicant? Seeing none,  
7 Mr. Goodman.

8 MR. GOODMAN: That's our  
9 application. I'll reserve until --  
10 (interference.)

11 CHAIRMAN FUSARO: Anyone else from  
12 the audience like to address the application?  
13 Seeing none, I'll close that portion of the  
14 meeting and open it up to Board discussion.

15 As we've heard from the architect  
16 and the engineer, it's basically an existing  
17 two-family home, top and bottom. They're looking  
18 to demolish the entire structure basically for  
19 cost-effective reasons and create a new  
20 side-by-side two-family home. And I'll ask Katie,  
21 if we decide to approve this application, would we  
22 be able to add a condition to state that it's a  
23 two-family home, not a duplex that will be  
24 subdivided?

25 MS. RAZIN: I don't know based on

1 the definition.

2 MS. MANCE: The definition of a  
3 two-family is in one building, one structure on a  
4 lot. So it would not be able to be subdivided.

5 CHAIRMAN FUSARO: So there's no need  
6 for that condition?

7 MS. RAZIN: Correct.

8 MS. MOLNAR: What was that again? I  
9 didn't hear. It's one structure on the lot.

10 MS. RAZIN: We can call it a  
11 two-family -- I would ask the Applicant to agree  
12 to that to make sure that -- but I would like the  
13 Applicant to agree to that condition as well if we  
14 got to that point.

15 MS. MOLNAR: I have one question.  
16 Thinking long-term, what would be the process to  
17 divide the rental units into two units? You would  
18 have to go for a subdivision in front of the  
19 Planning Board?

20 CHAIRMAN FUSARO: It would be a  
21 subdivision --

22 MS. RAZIN: Well, not to utilize two  
23 different units, the two-family. The two-family  
24 can be utilized...

25 CHAIRMAN FUSARO: I believe the

1 question was, Carol, if you want to sell.

2 (Crosstalk.)

3 MS. MOLNAR: Yes, subdivide the two  
4 units, which is possible.

5 CHAIRMAN FUSARO: Absolutely,  
6 anything is possible, but the Planning Board would  
7 have to approve it.

8 MS. MOLNAR: I'm just saying  
9 long-term; it's a candidate for that.

10 CHAIRMAN FUSARO: We've heard from  
11 the Applicant and engineer and planner that  
12 basically they're increasing the lot coverage by  
13 approximately 5%. He doesn't seem to have any  
14 issue with the lot handling the minor additional  
15 runoff that's going to be generated by the  
16 slightly larger structure. Built in 1967, there  
17 are certainly many homes in Westfield that are  
18 much older than that that are not being torn down.  
19 Again, that's the Applicant's wishes and that's  
20 why he is before us. I fully understand, Mike,  
21 your concern about -- I'm going to call it "creep"  
22 -- the RM-6 zone creeping into the RS-6 zone.

23 MS. RAZIN: It's called "creep."

24 MR. COHEN: Encroachment. Creep.

25 CHAIRMAN FUSARO: Where does that

1 creep stop, so to speak? And, yes, it is a  
2 question that's before us. I'm kind of leaning  
3 towards, you know, agreeing to the new structure,  
4 but then again, as you mentioned, I am concerned  
5 -- my biggest concern is the duplex which we  
6 discussed, and I am concerned about, yes, the next  
7 person now coming to us and saying, hey, you know  
8 what, we would like to...

9 MS. RAZIN: Well, let me just -- and  
10 I know that person would have to -- as you know,  
11 and I say this every time -- no application  
12 creates a precedent for the next application.  
13 Those applicants would have to prove the same  
14 proofs and come in with their own particular  
15 suitability as to that site.

16 CHAIRMAN FUSARO: Understood.

17 MS. RAZIN: Be that as it may, take  
18 that with whatever grain of salt you want to.

19 CHAIRMAN FUSARO: Thank you. How  
20 does the rest of the Board feel?

21 MR. MASCIALE: I support the  
22 application. I feel exactly like Mike does; it  
23 being bigger. You know, they're trying to make  
24 testimony that the massing is not big. This is a  
25 bigger house. It's probably going to be one of

1 the largest houses on the block when it's done  
2 from a massing, you know, type. But on the other  
3 side why I support the application is that I think  
4 it's going to be an investment for the  
5 neighborhood, it's going to significantly improve  
6 the look of the house in the neighborhood. But,  
7 yes, it is adding massing to it. An existing  
8 two-family, they're putting a bigger two-family in  
9 there. It's only 5% but the massing is large.  
10 And that's why I'm wrestling with it, but I think  
11 the improvements kind of outweigh, for me, so  
12 that's why I support the application.

13 CHAIRMAN FUSARO: Thank you.

14 MS. MOLNAR: I think the massing is  
15 coming from the attic. They're putting another  
16 bedroom up there. Perhaps if that wasn't  
17 included, it would be a much smaller building.

18 CHAIRMAN FUSARO: Well, you're  
19 really not going to be able to see the bedroom.  
20 If you look at the A-3 drawing, basically the  
21 egress window for that bedroom is on the side of  
22 the house. So from the front elevation -- yes, I  
23 don't think anybody is going to argue that the  
24 house doesn't appear bigger than what's there.  
25 But then again, as Chris said, it is a new

1 structure and from an aesthetic standpoint an  
2 improvement. Yes, you know, it is larger, no one  
3 is debating that. As you've heard from the  
4 Applicant, nowadays, everyone is looking for that  
5 home office, and I would assume that's where the  
6 home office would be. There is a bathroom in each  
7 of those --

8 (Crosswalk.)

9 MS. MOLNAR: But that's 12-by-11.  
10 One bedroom on the second floor is only 9.

11 CHAIRMAN FUSARO: The bedrooms are  
12 small.

13 MS. MOLNAR: They're small bedrooms,  
14 definitely.

15 CHAIRMAN FUSARO: They're very  
16 modest in size; 9-by-13, 10-by-14. The master  
17 bedroom is only 14-by-12. Again, very modest in  
18 size. I don't think that there's any -- you know,  
19 certainly, no one is taking advantage of making  
20 these massive rooms within the home. Even the rec  
21 room down in the basement.

22 MR. COHEN: It seems to me that the  
23 zoning lines were drawn and approved by the  
24 council for a reason, and this falls in a  
25 single-family zone. And I didn't hear persuasive

1 testimony tonight to explain to me why though this  
2 particular house as built is grandfathered in  
3 currently, why the line may have mistakenly been  
4 drawn on the wrong side of this particular house,  
5 or maybe it was intentionally drawn on this side  
6 of this particular house. I didn't hear any  
7 testimony to explain what the council's rationale  
8 was, and insofar as the council drew the line on  
9 the wrong side of this particular house I have to  
10 assume that the council intended for this to be  
11 incorporated into a single-family zone. And going  
12 from a single-family permitted use to a two-family  
13 permitted use is -- I get that it's abutting a  
14 two-family zone, but it's a significant increase  
15 in the use. And for that reason, I can't support  
16 the application.

17 CHAIRMAN FUSARO: Understood. Thank  
18 you. Matt, would you like to add anything?

19 MR. SONTZ: I think I support the  
20 application. It's already a two-family and  
21 there're already other nonconformities that they  
22 were to try to save the existing property with  
23 different kinds of burdens. As far as the size is  
24 bigger, but it doesn't require a C variance. So  
25 some shape or form the ordinance envisioned a

1 house this big on the lot. So I'm okay with it.  
2 And I think there's something about when you're  
3 right next to a zone that does allow what you want  
4 you get some sort of -- I forget what that law is  
5 -- I just had it in a case I had when you're not  
6 in the zone but you're right next to it, you get  
7 almost -- I don't want to say you get the benefit  
8 of it -- but it's looked at more favorably than if  
9 you're a couple of houses in.

10 CHAIRMAN FUSARO: That makes sense.

11 MR. SONTZ: So, I'm okay with the  
12 application.

13 MR. EILBACHER: I'm okay with it.  
14 It's a significant improvement to what's there  
15 already. It's an asset for the neighborhood.  
16 It's a two, staying with a two. Yes, it's larger,  
17 but it doesn't require any C variances, it meets  
18 all the requirements. And I'm sure that those who  
19 live in the area will be happy to see this over  
20 its 1967 counterpart. I'm in favor.

21 CHAIRMAN FUSARO: Thank you. Sam,  
22 would you like to add anything?

23 MR. REISEN: I'd like to hear what  
24 Carol says first; if that's all right.

25 CHAIRMAN FUSARO: All right, then.



1 Would you like me to --

2 MS. RAZIN: I'd like you to just  
3 confirm...

4 CHAIRMAN FUSARO: Would the  
5 Applicant and his attorney please come forward one  
6 more time? We just want to confirm one last time  
7 that the home is going to be used as a two-family  
8 home, there are no plans for it to be -- for the  
9 lot to be subdivided in two and make it a duplex.

10 MR. ELSHIEKH: Absolutely not. I'll  
11 put this on the record.

12 MS. RAZIN: If the Board did vote  
13 affirmatively and that inserted as a condition  
14 there would be no objection?

15 MR. GOODMAN: No objection.

16 MR. ELSHIEKH: No. Absolutely, yes.

17 MR. COHEN: Let's assume that they  
18 put that condition.

19 MS. RAZIN: If they wanted to excise  
20 that, they could go back and modify it, but they  
21 couldn't do that without coming back to modify  
22 that condition.

23 MR. COHEN: They'd come to us or  
24 they come to the Planning Board then? It would go  
25 to the Planning Board?

1 MS. RAZIN: Well, they could come to  
2 either I guess. It's up to -- at that point, it  
3 would be their choice probably where they want to  
4 go. Because the condition was done by us, so they  
5 could come here or they can go to the Planning  
6 Board -- come here to get the condition modified  
7 and go the Planning Board to get the --

8 (Crosstalk.)

9 MR. GOODMAN: I believe if it's your  
10 condition you retain jurisdiction.

11 MS. RAZIN: Yeah. I think we'd have  
12 to modify the condition and I think they'd have to  
13 go...

14 CHAIRMAN FUSARO: It would become a  
15 minor subdivision to the best of my knowledge.

16 MS. RAZIN: But they'd have to come  
17 back. It prevents them from doing anything  
18 without coming back to modify the conditions.  
19 Which would be in there, versus, like having an  
20 open-ended...

21 CHAIRMAN FUSARO: I'm in favor of  
22 adding that condition to the approval.

23 MS. MOLNAR: I'm kind of torn.  
24 Mike, makes good points, so I'm really torn.

25 MR. REISEN: I actually share that

1       too. I share Mike's concerns about the  
2       overbuilding. The fact that the rest of the  
3       neighborhood has a little bit of a mix of one and  
4       two, kind of makes me lean a little more in  
5       supporting because it's not like it's the only one  
6       that's out of step with the rest.

7                       CHAIRMAN FUSARO: That's why I asked  
8       how many single families are on your side.

9                       MR. COHEN: I should add we did hear  
10      from one of the neighbors who expressed at least  
11      some concern. I don't think we heard an  
12      affirmative or a negative one way or another  
13      whether she supports affirmatively or opposes the  
14      application. But we did at least hear from one  
15      neighbor who has concerns about the building. So  
16      we should take that into account as well.

17                      CHAIRMAN FUSARO: I believe, yes,  
18      the neighbor had a question regarding some  
19      drainage and I believe we answered.

20                      MR. COHEN: Drainage and ownership.

21                      CHAIRMAN FUSARO: Yes.

22                      MR. REISEN: I haven't heard any  
23      negative added statements. I don't know that if  
24      we take concerns to the point where we deny this  
25      application if there hasn't been any negative

1        comments made.  There one was about ownership,  
2        there was one about drainage.  They were both  
3        answered.  They had another opportunity to tell if  
4        something else was wrong.

5                    MR. COHEN:  I think you're right,  
6        Sam.  I don't think we're capable of making that  
7        conclusion based on the testimony.

8                    CHAIRMAN FUSARO:  Okay.  Well, since  
9        we've only heard from one neighborhood who really  
10       wasn't either in favor or opposed to the  
11       application.

12                   MS. MOLNAR:  Are the homes to the  
13       left going up to Scotch Plains Avenue, are they  
14       all one-family do we know?

15                   CHAIRMAN FUSARO:  They are in the  
16       RS-6 zone.  I believe the planner testified that  
17       there are some, or there's at least one,  
18       two-family home in that RS-6 zone.

19                   MR. COHEN:  Did we hear that  
20       testimony?  I thought the testimony was that he  
21       wasn't sure if there were any.

22                   CHAIRMAN FUSARO:  He wasn't sure?

23                   MR. COHEN:  There are two families  
24       in the RS-6, but there were a combination in the  
25       RM-6.  I thought that was the testimony.

1                   MR. MASCIALE: I would agree with  
2 Mike here on the testimony.

3                   CHAIRMAN FUSARO: So what I'm going  
4 to do is reopen it to the public. I see that...

5                   MS. RAZIN: Wait a minute. I just  
6 have a little concern because now we're  
7 procedurally going out of order a little bit  
8 because now we've stated that we haven't heard  
9 from the public and now -- I'm not saying that we  
10 shouldn't hear from the public, it's up to you.  
11 But if we reopen now, we made commentary, we had  
12 Board deliberation a little bit and we said  
13 because we haven't heard from the public and now  
14 we're reopening to the public, it's a little --

15                   CHAIRMAN FUSARO: Out of order.

16                   MS. RAZIN: That you've made  
17 comments that you haven't heard from the public  
18 either way and now we're -- I don't know what  
19 you're planning on saying, but you have to be very  
20 careful now.

21                   CHAIRMAN FUSARO: Before that, I  
22 would --

23                   MS. BROWN: You didn't make it  
24 clear. You said do you have any questions, that's  
25 why I came up. I thought you were going to ask

1 for -- because several of us.

2 MS. RAZIN: I don't think you asked  
3 -- I don't know that's what you said. It's  
4 totally up to you if you want to open it up. I  
5 just want to it clear.

6 CHAIRMAN FUSARO: Before we do that,  
7 I just want to -- if I can bring the  
8 planner/engineer back up. I may have  
9 misinterpreted the answer to the question and it  
10 appears some of the other Board Members have as  
11 well. In the RS-6 zone, do you know of any  
12 additional two-family homes that are currently  
13 there? And if you don't know, that's fine.

14 MR. GALLERANO: My testimony was  
15 that there were no two-family apparent in the RS-6  
16 zone. I didn't see any that I would call a  
17 two-family. I said in the RM-6 there's a mix. So  
18 the RS-6, I didn't see any that I recall --

19 CHAIRMAN FUSARO: You didn't see  
20 any.

21 MR. GALLERANO: -- that were  
22 apparent, but in the RM-6, there was a mix of one  
23 and two, yes.

24 CHAIRMAN FUSARO: You're correct,  
25 Michael. My misunderstanding. All right. I'm

1 going to go a little out of order here, even  
2 though my attorney is going to twist my neck after  
3 the meeting, please come forward and --

4 MS. BROWN: There are several  
5 neighbors here. I just wanted to let you know  
6 that we were confused. We were waiting for you to  
7 invite us up to talk.

8 CHAIRMAN FUSARO: I apologize.  
9 State your name and address for the record.

10 MS. BROWN: So, again, Jill Brown.  
11 619 Downer. I live directly across the street. I  
12 am opposed to the proposed variance of building a  
13 two-family home in our single-family neighborhood.  
14 This would be a detriment to our neighborhood. It  
15 changes the character of the town. This was not  
16 intended to be a two-family lot. It was intended  
17 -- those lines were specifically drawn for a  
18 specific reason and a two-family changes the  
19 character. Also, I'm really concerned about this  
20 idea that eventually in the future there would be  
21 a possibility that they could separate the two  
22 walls. And I know you think they'd have to come  
23 back, but again, the bottom line is if you do pass  
24 a duplex two-family it is a possibility, and,  
25 again, changing the character of the town. You

1 know we thank you guys so much for what you do for  
2 our town and to help us. Your job is to help us  
3 keep in the character of Colonial Westfield. The  
4 house that's being proposed is significantly  
5 higher and significantly larger. I mean it's  
6 going to be a mass. We are a smaller -- we have  
7 small homes on this street. And that's what makes  
8 it so special and so sweet is that it's not a ton  
9 of people, it's not a ton -- you know, it's small.  
10 We're a simple people.

11 And I also want to say that I also  
12 have concerns about the overdevelopment. You know  
13 you're making two three-families into two  
14 four-families. Not only does that affect -- that  
15 affects our town, it affects everything in our  
16 town. It affects schools; it affects all that.  
17 And again, I think my number one biggest concern  
18 besides the fact that it's specifically zoned for  
19 a one-family is how do we stop the next person  
20 from coming in? I mean a variance is you're  
21 trying to go outside of the rule. We have a rule  
22 set in place for a specific reason. How do we  
23 stop the next person or company from buying a  
24 house next to me and saying, well, the guy here  
25 did it and next to me did it, now, I want to be a



1 two-family.

2 CHAIRMAN FUSARO: We'll you've heard  
3 from our attorney every application must stand on  
4 its own merits. So just because we grant an  
5 application -- we hear this, and I'm sure we'll be  
6 hearing it tonight as well -- the people next door  
7 have five bedrooms, why can't I have five  
8 bedrooms. The people next door have a 2-foot side  
9 yard, why can't -- every application must stand on  
10 its own merits.

11 MS. BROWN: But I think that's the  
12 whole idea. What their whole point is; our  
13 neighbor is a two-family, so we should be able to  
14 be. You should change the rules for us to be what  
15 our neighbor is. So that's what you're doing -- I  
16 mean that's what they're asking. So we're asking  
17 that you don't do that. We're asking that you  
18 keep it the way it is and keep the character of  
19 our neighborhood.

20 CHAIRMAN FUSARO: It currently is a  
21 two-family, so...

22 MS. BROWN: Right. But it's zoned  
23 for a one-family and it's a small house, it's not  
24 a huge.

25 MR. MASCIALE: We're not changing

1 the zoning. What the approval is here this  
2 evening is to continue the use and rebuild a house  
3 that has a two-family, which is existing.

4 MS. BROWN: Right. But it's zoned  
5 specifically for a single family. It was  
6 specifically -- the line was specifically drawn  
7 there by a previous board. So we're asking you  
8 not to grant the variance and to keep it as zoned  
9 and to keep a single family in that zone.

10 MR. MASCIALE: It's going to remain  
11 a two-family.

12 CHAIRMAN FUSARO: It will remain a  
13 two-family.

14 MS. BROWN: Okay. But we're asking  
15 you to keep it as it is, as a one-family.

16 MR. MASCIALE: As it's currently  
17 structured.

18 MS. BROWN: Yes. Or if you're going  
19 to rebuild and they need to get a permit then it  
20 should be a one-family in one zone. Thank you.

21 CHAIRMAN FUSARO: Thank you. Is  
22 there anyone else in the audience that would like  
23 to address this application? Please come forward  
24 and state your name and address for the record.  
25 Please come forward. State your name and address

1 for the record and spell your last name.

2 MR. USZAL: John Uszal. Last name,  
3 U-s-z-a-l. I'm at 620 Downer, the neighboring  
4 house.

5 MS. RAZIN: I'm sorry. Can you just  
6 spell your last name again?

7 MR. USZAL: U-s-z-a-l.

8 CHAIRMAN FUSARO: Please raise your  
9 right hand.

10 JOHN USZAL, having been duly sworn,  
11 was examined and testified as follows:

12 MR. USZAL: I just want to say I'm  
13 against having the structure built. I'm the  
14 neighboring house. The way they described the  
15 two-family duplex, obviously, it's going to be a  
16 monstrosity compared to all the other homes on the  
17 block. From the 6 zone, or whatsoever that is,  
18 they're supposed to be single-family from that way  
19 down. There are no other two-family houses on the  
20 entire block and we want to just keep it that way.

21 CHAIRMAN FUSARO: You know that in  
22 the RS-6 zone -- I asked the engineer; he didn't  
23 know the answer.

24 MR. USZAL: There're no other two-  
25 families.

1                   CHAIRMAN FUSARO: Thank you for that  
2 information.

3                   MR. USZAL: The neighboring house,  
4 like you said, it was grandfathered in or  
5 whatever, but it's zoned to be a single-family.

6                   CHAIRMAN FUSARO: Yes. The  
7 two-family that's currently there will remain. If  
8 the application is approved, it will be a new  
9 two-family. If the application is not approved,  
10 there will still be a two-family home there.

11                  MR. USZAL: Yeah. But there're no  
12 other two-family houses on that block.

13                  CHAIRMAN FUSARO: Thank you. We  
14 appreciate it. Anyone else? Going once. Twice.  
15 Thank you. I'm going to close that portion of the  
16 meeting for the last time.

17                  Now, we've heard from several  
18 additional neighbors. Again, I'm not going to  
19 reinvent the wheel, we have a full agenda tonight.  
20 I'd like to keep it moving along. It's a  
21 difficult decision. It's currently a two-family,  
22 it's going remain a two-family. The question is  
23 basically, is it going to be a new two-family or  
24 an old two-family?

25                  MS. MOLNAR: He has the option of

1 building a one-family.

2 CHAIRMAN FUSARO: Correct. And that  
3 option is always open to build a one-family. I  
4 believe it was probably purchased for a reason as  
5 two-family to generate some income. And  
6 obviously, it would be a different income-creating  
7 property if it was a one-family. But again, that  
8 doesn't pertain to our variance.

9 Having said that, I'd like someone  
10 to make a motion whether they're in favor or not  
11 of granting a D variance. Keep in mind, there are  
12 seven voting members this evening, in order for  
13 the application to be approved, there would have  
14 to be five votes in the affirmative. May I have a  
15 motion?

16 MR. SONTZ: I guess the easiest  
17 thing to do would be to make a motion in the  
18 positive and then see where it goes. If we do the  
19 negative, then we have to do it again; right?

20 CHAIRMAN FUSARO: No.

21 (Crosstalk.)

22 MS. RAZIN: Just -- if you want to  
23 vote in favor...

24 MR. SONTZ: I'll make a motion to  
25 approve the application subject to the conditions

1 set forth.

2 CHAIRMAN FUSARO: We'll be a little  
3 clearer on what that condition will be; right?

4 MS. RAZIN: That it's going to be a  
5 two-family as defined in the ordinance. That  
6 would work; right?

7 MR. SONTZ: Yeah.

8 MR. REISEN: Second.

9 CHAIRMAN FUSARO: Seconded by  
10 Mr. Reisen. Jenny, please call the roll.

11 (Whereupon, there is a discussion  
12 held off the record.)

13 MS. RAZIN: Go ahead, sorry. Thank  
14 you.

15 MS. MANCE: Ms. Molnar.

16 MS. MOLNAR: No.

17 MS. MANCE: Mr. Cohen.

18 MR. COHEN: No.

19 MS. MANCE: Mr. Sontz.

20 MR. SONTZ: Yes.

21 MS. MANCE: Vice-chair Masciale.

22 MR. MASCIALE: Yes.

23 MS. MANCE: Chairman Fusaro.

24 CHAIRMAN FUSARO: Yes.

25 MS. MANCE: Mr. Eilbacher.

1 MR. EILBACHER: Yes.

2 MS. MANCE: Mr. Reisen.

3 MR. REISEN: No.

4 CHAIRMAN FUSARO: We have three --

5 MS. RAZIN: You made the motion in  
6 favor; right?

7 MR. REISEN: I seconded it.

8 CHAIRMAN FUSARO: You seconded it.

9 MR. MASCIALE: He can do that.

10 CHAIRMAN FUSARO: So your  
11 application is denied. I'm sorry. In order for  
12 an application to come back -- I'm sure you know  
13 this Mr. Goodman -- it would have to be a  
14 completely different application. Thank you.

15 MS. RAZIN: Not completely;  
16 substantially.

17 CHAIRMAN FUSARO: Substantially  
18 different. I'm sorry.

19 MS. RAZIN: Mr. Goodman, so you  
20 know, substantially different, not completely  
21 different. But, you know.

22 MR. GOODMAN: Substantially  
23 different. Correct.

24 MS. RAZIN: He said completely, I  
25 know you know it's not completely; it's

1 substantially different.

2 CHAIRMAN FUSARO: The next  
3 application on the agenda this evening is  
4 Application Number ZBA 22-046 Ken Kandigian,  
5 123 Hyslip Avenue. Applicant is seeking to  
6 demolish and rebuild a new garage with no change  
7 in footprint in the existing nonconforming  
8 location contrary to the following sections of the  
9 Westfield Land Use Ordinances: Section 13.01G1  
10 where the minimum side yard required for an  
11 accessory structure is 5 feet and proposed is  
12 3.125 feet; Section 13.01G1 where the minimum rear  
13 yard required for an accessory structure is 5 feet  
14 and proposed is 4 feet. Section 12.04F1 where the  
15 maximum building coverage and above-grade  
16 structures permitted is 20% or 3,600 square feet  
17 and the existing/proposed is 22.94% or 1,641  
18 square feet; and Section 12.04F3 where the maximum  
19 building coverage and above-grade structures  
20 including decks and porches permitted with  
21 allowable increase is 24% but not above 420 square  
22 feet and proposed is 25.37% or 1,815 square feet.  
23 Is anyone from -- Mr. Kandigian?

24 MR. KANDIGIAN: Yeah. Hi, good  
25 evening.



1                   CHAIRMAN FUSARO: Good evening.  
2                   Please state your name and address for the record  
3                   and please spell your last name.

4                   MR. KANDIGIAN: Ken Kandigian,  
5                   123 Hyslip, spelled K-a-n-d-i-g-i-a-n.

6                   CHAIRMAN FUSARO: Mr. Kandigian,  
7                   please raise your right hand.

8                   KEN KANDIGIAN, having been duly  
9                   sworn, was examined and testified as follows:

10                  CHAIRMAN FUSARO: Please tell us  
11                  about your application.

12                  MR. KANDIGIAN: Yes. My wife and I  
13                  -- who is also here -- we bought the home about  
14                  four years ago. Always had the intention of  
15                  rebuilding it. And with Covid and everything we  
16                  got a bit delayed. We are looking to basically  
17                  just rebuild the existing one-car garage in the  
18                  exact same location that it is right now. The  
19                  garage is probably about 100 years ago old. The  
20                  major problem, and we would have considered  
21                  rebuilding it, is that we were told by our  
22                  neighbors, who have been there quite a while,  
23                  there was a tree that grew into the side of the  
24                  garage which basically raised the slab foundation  
25                  and also caved in the sidewall of the garage. So

1 again, we're looking to build the exact same sized  
2 garage to match the home that we have right now  
3 aesthetically. And that's basically it.

4 MR. MASCIALE: Can you just comment  
5 on the neighborhood? I'm looking at the tax map  
6 and I see a lot of garages that are similarly  
7 located. Can you tell me about the neighborhood  
8 and the other garage in the neighborhood? They're  
9 similar to yours?

10 MR. KANDIGIAN: So that's exactly  
11 it. In fact, adjacent to ours, our neighbor has  
12 their garage right next to ours. But you're  
13 right, in that neighborhood when they were built  
14 because the lots are generally very narrow, almost  
15 all the houses have their garage in the rear  
16 corner of their lots. They're just all like that  
17 basically.

18 MR. MASCIALE: And if you were to  
19 build a garage to comply with the current  
20 ordinances, what would that do to you, and how  
21 that would be a hardship?

22 MR. KANDIGIAN: If you take a look  
23 at the survey, part of the issue we have is that  
24 we built a patio and the patio abuts right up  
25 against the existing garage the way it is right

1 now. So our driveway goes right into the existing  
2 garage. If we try to do something that I guess is  
3 compliant, we would tear in into the patio and  
4 also change the configuration of our driveway.

5 MR. MASCIALE: But it doesn't look  
6 like the current garage is on the property line.  
7 There is some room there.

8 MR. KANDIGIAN: Oh, yeah. There's  
9 about 5 feet in the rear and about 3 feet on the  
10 side the way it exists right now. Again, that's  
11 the way the house was and we just want to rebuild  
12 it exactly to where it was. The same footprint  
13 exactly.

14 MR. MASCIALE: And you have no  
15 problem doing maintenance, like, getting behind  
16 the shed?

17 MR. KANDIGIAN: No. No. We can get  
18 -- there's just enough room to get in there; the  
19 average person. You can probably even do like  
20 maybe some beds of flowers. But there's enough  
21 room to get back there, yeah.

22 MR. MASCIALE: To maintain it.  
23 Thank you.

24 MR. KANDIGIAN: No, thank you.

25 CHAIRMAN FUSARO: I have a couple of

1 quick questions for you, Mr. Kandigian. The  
2 topography of the lot is relatively flat? It's  
3 not sloped towards the front.

4 MR. KANDIGIAN: So, yeah.  
5 Basically, in the front, it does slope down. But  
6 the majority of the lot is basically flat, yes.

7 CHAIRMAN FUSARO: The rendering of  
8 the new garage shows a window on what I'll call  
9 the "second floor" knowing that there is no second  
10 floor. I'm assuming that that's a decorative  
11 window there.

12 MR. KANDIGIAN: Yeah, that's all it  
13 really is. In fact, The existing garage has  
14 basically the same thing on the side. I think  
15 both sides may have a window, but definitely, on  
16 one facing our backyard, there is an existing  
17 window there, yeah. It's just for aesthetics.

18 CHAIRMAN FUSARO: The height of the  
19 new garage according to the plans at the ridge is  
20 13-feet-8 1/2 inches. Is the existing garage  
21 approximately that height, or is it higher or  
22 lower?

23 MR. KANDIGIAN: So I actually  
24 measured it tonight just to reconfirm; it's 11  
25 exactly. And the architect, the way he built it,

1 I don't know if, you know, to have an increased  
2 pitched versus the way it was originally 100 years  
3 ago. But it is a little bit higher. It's a  
4 couple of feet higher.

5 CHAIRMAN FUSARO: So it's  
6 ^ current ^ currently approximately 11, and it's  
7 going to be approximately 13.

8 MR. KANDIGIAN: Correct, yes.

9 CHAIRMAN FUSARO: Thank you. I just  
10 want to kind of confirm this. Is the architect  
11 going to testify?

12 MR. KANDIGIAN: If he needs to  
13 answer questions, he can. I don't think he  
14 planned to.

15 CHAIRMAN FUSARO: Just curious. I  
16 see that the FAR is significantly over. Am I  
17 reading that correct, Jenny? It's over by 7 1/2%;  
18 the FAR?

19 MS. MANCE: That would be pertaining  
20 to the principal structure.

21 CHAIRMAN FUSARO: The home.

22 MS. MANCE: Correct. It's just an  
23 existing nonconformity. It's not added to a  
24 detached structure.

25 MS. MOLNAR: And there's a 52-foot

1 wall instead of 25.

2 CHAIRMAN FUSARO: Say that again.

3 MS. MOLNAR: The wall is 52 feet.

4 CHAIRMAN FUSARO: Yes, correct. The  
5 massing, yes. But those are all pertaining to the  
6 home and not the garage; which is the application  
7 before us. Any other Board Members have questions  
8 for Mr. Kandigian? Does anyone want to hear from  
9 the architect? Seeing none. If anyone from the  
10 audience wishes to address this application please  
11 come forward and state your name and address for  
12 the record. Seeing none. We'll close that  
13 portion of the meeting. Hopefully, we won't have  
14 to reopen, Katie. (Laughter.) Are there any  
15 closing statements you'd like to make,  
16 Mr. Kandigian?

17 MR. KANDIGIAN: No, I think that was  
18 all.

19 CHAIRMAN FUSARO: Thank you so much.  
20 I'm going to close that portion of the meeting as  
21 well and open it up to board discussion. It's a  
22 relatively cut-and-dry application that we have  
23 before us. We've heard from the Applicant that  
24 the existing structure is ^ current ^ currently  
25 damaged due to a tree. They're basically

1 replacing it with a new structure slightly higher.  
2 The size of the garage is 12-by-20 which is an  
3 average size, it's not oversized. We've heard  
4 that even though the height is being raised, there  
5 are no plans for any room up there, so certainly  
6 that doesn't come into play. And the window we  
7 see in the rendering is strictly there for  
8 aesthetic purposes. So I would be in favor of  
9 supporting the application. How does the rest of  
10 the Board feel?

11 MR. COHEN: Do we need to make that  
12 a condition?

13 CHAIRMAN FUSARO: Yes, we can  
14 certainly make a condition that the upper level of  
15 the garage not become a habitable space.

16 MR. REISEN: I'm in favor of the  
17 application. He's not changing anything.

18 MR. EILBACHER: Yeah, I am too.

19 CHAIRMAN FUSARO: We're all good?  
20 Okay, great. Can I have a motion?

21 MR. MASCIALE: I'll make a motion to  
22 accept the application with the condition that the  
23 upper area of the garage not become habitable.

24 MR. REISEN: Seconded.

25 CHAIRMAN FUSARO: Jenny, please call

1 the roll.

2 MS. MANCE: Ms. Molnar.

3 MS. MOLNAR: Yes.

4 MS. MANCE: Mr. Cohen.

5 MR. COHEN: Yes.

6 MS. MANCE: Mr. Sontz.

7 MR. SONTZ: Yes.

8 MS. MANCE: Vice-chair Masciale.

9 MR. MASCIALE: Yes.

10 MS. MANCE: Chairman Fusaro.

11 CHAIRMAN FUSARO: Yes.

12 MS. MANCE: Mr. Eilbacher.

13 MR. EILBACHER: Yes.

14 MS. MANCE: Mr. Reisen.

15 MR. REISEN: Yeah.

16 CHAIRMAN FUSARO: Your application

17 is approved. Good luck.

18 MR. KANDIGIAN: Thank you, I

19 appreciate it.

20 CHAIRMAN FUSARO: Moving to our next  
21 application, Application ZBA 23-08, Noraiz Khan,  
22 226 Lynn Lane. Applicant is seeking to replace an  
23 existing 6-foot fence on the property's  
24 through-lot located in the front yard which fronts  
25 Springfield Avenue contrary to the following



1 section of the Westfield Land Use Ordinance:  
2 Section 13.01E3 where the minimum front yard  
3 setback required is 40 feet existing and proposed  
4 is 35 feet. Good evening.

5 MR. KHAN: Good evening.

6 CHAIRMAN FUSARO: Please state your  
7 name and address for the record and please spell  
8 your last name.

9 MR. KHAN: Sure. My name is Noraiz  
10 Khan. My last name is K-h-a-n, and I live at  
11 226 Lynn Lane.

12 CHAIRMAN FUSARO: Please raise your  
13 right hand.

14 NORAIZ KHAN, having been duly sworn,  
15 was examined and testified as follows:

16 CHAIRMAN FUSARO: Please proceed,  
17 Mr. Khan.

18 MR. KHAN: Hi. So what we're trying  
19 to do is we have a fence already in the backyard  
20 which is towards Springfield Avenue, but we have a  
21 through-lot, so because of that, we have to move  
22 -- we put a pool in the backyard, and because it's  
23 a through-lot, we have to have a 40-foot gap  
24 between the street and our backyard. What we're  
25 asking is what we have, the fence currently, is a

1 dilapidated fence that we're looking to replace.  
2 We just want to replace it in the same spot.

3 CHAIRMAN FUSARO: I've reviewed the  
4 application and have a couple of questions for  
5 you. As you may or may not know, we have an  
6 ordinance in town that requires a solid 6-foot  
7 high fence surrounding the pool for screening and  
8 for obviously safety as well. I see from the  
9 photographs that the pool is existing; is that  
10 correct?

11 MR. KHAN: We just put it in.

12 CHAIRMAN FUSARO: So the pool is  
13 existing?

14 MR. KHAN: Yes.

15 CHAIRMAN FUSARO: It's a  
16 significantly oversized lot, so I really don't see  
17 a major issue with the 6-foot high fence with  
18 respect to it causing a detriment to the lot or  
19 the rear yard. I understand that the 40-foot  
20 setback, if we were to require that, since it is a  
21 through-lot and you basically have two front  
22 yards, it would reduce the size of your rear yard  
23 from 40 feet to 35 feet. I do have a couple of  
24 questions that I noticed on the site plan.  
25 Looking at the rear of your property, the existing

1 fence, which is falling down, is shown on the  
2 photograph as well, you've testified that it's  
3 currently 35 feet from your rear property line.

4 MR. KHAN: That's right.

5 CHAIRMAN FUSARO: And you're going  
6 to replace it in the same location?

7 MR. KAHN: Same exact spot.

8 (Indiscernible.)

9 CHAIRMAN FUSARO: Now, the 35 feet,  
10 since the rear of your property along Springfield  
11 Avenue is along a curve, okay, your property  
12 actually, it's not curvature, but it's two  
13 different directions. It appears from the site  
14 plan that's submitted that the fences that you're  
15 installing is replacing the wooden fence at the 35  
16 feet. However, as you get further -- looking at  
17 the front of your home -- as you get further to  
18 the left, it appears from the plan that's  
19 submitted that the fence then, from the 35-foot  
20 limit, it transitions closer to Springfield  
21 Avenue, and based on the scale, it's only several  
22 feet away from your property line where it  
23 connects back up to that other wooden fence. So  
24 I'm a little confused in that you're requesting a  
25 35-foot setback for the fence, however, it's only

1 35 feet on a portion of the property. On the  
2 other end of the property, it looks like it's only  
3 -- it's not dimensioned, but based on the scale,  
4 it looks like it's anywhere from approximately  
5 15 feet. Could you elaborate on what exactly is  
6 going on back there?

7 MR. KAHN: Sure. When we purchased  
8 our house the fence was already there. On the  
9 left side, it does go a little bit further back  
10 around the neighbor. I think the previous owner  
11 might have redid the fence along the neighbor's so  
12 that it all attaches in the same way. So if you  
13 are coming up Springfield, every house's fence  
14 just goes along that way.

15 CHAIRMAN FUSARO: I don't know  
16 how...

17 MS. RAZIN: Are you replacing that  
18 portion of the fence as well?

19 MR. KAHN: Yeah.

20 MS. RAZIN: Yes.

21 CHAIRMAN FUSARO: So I guess the  
22 question is, Katie, here's the 35 feet, he's  
23 replacing this section of fence at 35 feet, which  
24 we'll grant him that. However, then you go like  
25 this (indicating) here's the other section of the

1 fence he's replacing. This is significantly  
2 closer.

3 MS. RAZIN: Right.

4 CHAIRMAN FUSARO: So how do we  
5 address that?

6 MS. RAZIN: In terms of concern  
7 about the notice?

8 CHAIRMAN FUSARO: Well, I'm  
9 concerned about notice, number one. And number  
10 two, if we were to say okay we're going to grant  
11 the variance at 35 feet, wouldn't that mean that  
12 the entire fence along that entire back would be  
13 35 feet?

14 MS. RAZIN: Yes. You would have to  
15 indicate where you're going to grant it.

16 CHAIRMAN FUSARO: Mr. Khan has  
17 testified -- and please correct me if I'm wrong, I  
18 may have misinterpreted what you're saying -- if  
19 we grant the variance at 35 feet, the entire rear  
20 property line, the fence would have to be at 35  
21 feet, not with that zigzagging anymore. Is that  
22 your intention or is your intention to replace the  
23 fence where the wooden fence is which is not the  
24 35 feet?

25 MR. KAHN: My intent is to replace

1 the fence where it is.

2 CHAIRMAN FUSARO: Where it is?

3 MR. KHAN: Yes.

4 CHAIRMAN FUSARO: Okay. So now we  
5 have a noticing issue; right?

6 MS. RAZIN: Potentially. I mean...

7 CHAIRMAN FUSARO: Do you understand  
8 what I'm saying?

9 MR. KAHN: If you guys already drove  
10 through Springfield, we're already -- our fence is  
11 the most pushed back that it is to any other home  
12 along that road.

13 MR. MASCIALE: Can I just ask; is  
14 there a reason why you're not going to make just  
15 straight across and you're going to keep the  
16 zigzag?

17 MR. KAHN: There's a children's  
18 swing set there and sprinklers there and trees  
19 there. And I would have to remove all of those to  
20 make it go straight in.

21 MR. COHEN: My question is why? Why  
22 is the zigzag there at all? Why is the fence --

23 MR. KAHN: I have no idea. That's  
24 how I bought the house.

25 MR. COHEN: And your intention is to

1 keep it as it is rather than remove the section  
2 that's pulled back towards Springfield Avenue?

3 MR. KAHN: Yeah. Basically, I want  
4 to put it right where it is and close it off. If  
5 you look at the zigzag, there's a gap, and there's  
6 nothing closing that.

7 MR. COHEN: Yeah, I see that.

8 MR. KAHN: Which causes a lot of  
9 deer to come in and out of the lot off Springfield  
10 Avenue.

11 MR. COHEN: I'm not sure you're  
12 going to stop the deer. That's a fair thought.

13 CHAIRMAN FUSARO: Mr. Khan, a couple  
14 of other questions that I have for you. In the  
15 photographs that were submitted as part of the  
16 package, again, looking from the front of your  
17 property towards the back, the left side of the  
18 property ^ current ^ currently has what appears --  
19 I can't tell how high -- either a 4-foot or 6-foot  
20 high open picket fence. I assume that's your  
21 neighbor's fence?

22 MR. KAHN: The open picket fence on  
23 the left side, no, that's ours, but we're going to  
24 close it off where the driveway ends.

25 CHAIRMAN FUSARO: Once again,

1 looking at the site plan that was submitted, as I  
2 previously mentioned with respect to a pool, you  
3 have to have a solid 6-foot fence around the  
4 entire area.

5 MR. KHAN: Yes. So that's what I'm  
6 saying. The backyard part, where my driveway ends  
7 the backyard starts, and we pull put a fence  
8 around the whole backyard.

9 CHAIRMAN FUSARO: So you're going to  
10 replace that black, open picket fence that I see  
11 in this photograph, you're going to replace that  
12 with a sold fence?

13 MR. KAHN: Can I see that photo?

14 CHAIRMAN FUSARO: Sure. Please come  
15 forward. This fence right here is an open picket  
16 fence.

17 MR. KAHN: Yes, I'm going to put a  
18 fence there.

19 CHAIRMAN FUSARO: Okay. You're  
20 going to replace that fence? (Indicating.)

21 MR. KHAN: That's my neighbor's, I'm  
22 going to put one on top of it.

23 CHAIRMAN FUSARO: And in front of  
24 it?

25 MR. KHAN: Yes.



1 CHAIRMAN FUSARO: And you understand  
2 what I'm talking about with the zigzag; right?

3 MR. KHAN: That's correct.

4 CHAIRMAN FUSARO: Because this is  
5 approximately 35 feet, but this is maybe 5 feet,  
6 this is maybe 15 feet.

7 MR. KHAN: I understand.

8 CHAIRMAN FUSARO: And this is what  
9 you're planning to do; right?

10 MR. KAHN: That's right.

11 CHAIRMAN FUSARO: Because the way  
12 the application is written, it would go like this  
13 (indicating) 35 feet continuous.

14 MR. KHAN: Right.

15 CHAIRMAN FUSARO: But that's not  
16 what you're going to do. You'd want to do this?  
17 (Indicating.)

18 MR. KHAN: Yes.

19 CHAIRMAN FUSARO: Okay. Thank you.  
20 Does everyone understand that? He's going to  
21 replace the Fence as it currently stands. So it  
22 will be 35 feet on the right side of the property  
23 and then continue 35 feet to where it starts  
24 zigzagging and then it will change. We don't know  
25 what that's going to be.

1 MS. MOLNAR: Closer over here?

2 CHAIRMAN FUSARO: It will be closer  
3 to Springfield Avenue.

4 MS. MOLNAR: The comment I have; all  
5 the construction on Springfield Avenue, that  
6 street is going to be widened. It's a single lane  
7 there, but that probably -- there's a good chance  
8 that the county is going to take some of this  
9 property. So it might make sense to put the fence  
10 --

11 CHAIRMAN FUSARO: That's an eminent  
12 domain thing, it doesn't do with us right now.

13 MS. MOLNAR: No. I'm just saying  
14 from a planning point of view.

15 MR. MASCIALE: We've heard  
16 testimony, Carol, that his fence is further up and  
17 most appear the same way.

18 MS. MOLNAR: Because that one part  
19 is 5 feet from the border.

20 MS. MANCE: It's approximately 4  
21 feet.

22 CHAIRMAN FUSARO: It's  
23 approximately, 4 feet, yeah. I would have said 5.

24 MS. MANCE: I was just scaling it  
25 off.

1                   CHAIRMAN FUSARO: Great. And then,  
2 also, Mr. Khan, again I'm referring to another  
3 photograph that's in our package, this white  
4 picket fence that I see here, you will replace  
5 that as well with a solid 6-foot fence; correct?

6                   MR. KHAN: Yes. Well, I'm going to  
7 leave that white picket, but right behind it we'll  
8 put a solid fence.

9                   CHAIRMAN FUSARO: So the entire area  
10 all four sides -- three sides I should say one  
11 side of the house -- is going to be a solid,  
12 6-foot vinyl fence?

13                  MR. KAHN: That's correct.

14                  CHAIRMAN FUSARO: Does anyone else  
15 have any questions for Mr. Khan at this time? If  
16 anyone from the audience wishes to address the  
17 application at this time, please come forward and  
18 state your name and address for the record.  
19 Seeing none, I will close that portion of the  
20 meeting. Okay, Mr. Khan, is there anything else  
21 you'd like to add?

22                  MR. KHAN: I just want to thank you  
23 guys for your time. Something that, you know,  
24 when we purchased this house, the main thing was  
25 to have a larger lot and the children really use

1 it. And the main reason for me asking for the  
2 extra 5 feet is the proposed fence is right up  
3 against the pool and, you know, for the kids'  
4 safety, I want them to have a little bit of space  
5 to run around the pool and not have any accidents  
6 there.

7 CHAIRMAN FUSARO: Understood. One  
8 other quick question. The site plan shows a  
9 proposed cabana. The photographs don't show a  
10 cabana. I'm assuming you're still planning on  
11 constructing that in the future; is that correct?

12 MR. KAHN: Yeah. We've already put  
13 in permits for that.

14 CHAIRMAN FUSARO: Okay. Thank you.  
15 Anyone else have any questions or comments for  
16 Mr. Khan? Okay, I'll close that portion of the  
17 meeting and open it up to board discussion.

18 We've heard from the Applicant, and  
19 you can see from the photographs, the fence that's  
20 currently there is falling down. Sections appear  
21 to be missing as well. I fully understand why he  
22 would want to replace it. It looks like there --  
23 again, from the photographs -- there is a fair  
24 amount of screening. Granted that they're old  
25 trees, which as Carol said, are probably

1 constantly falling down, branches from them  
2 falling down, but it is what it is right now. My  
3 concern was from a noticing standpoint with  
4 respect to the 35 feet because it technically  
5 isn't only 35 feet. It goes from 35 to 5 to 15.  
6 It actually varies. As Katie has mentioned, the  
7 notice did state that there was a fence being  
8 installed that doesn't comply with the ordinance,  
9 and if anyone had any issues with it, they would  
10 have been here whether it was 35 feet or 15 feet.

11 MS. RAZIN: Presumably been here,  
12 yes.

13 CHAIRMAN FUSARO: Right. Exactly.

14 MS. RAZIN: It's the Applicant's  
15 risk, but presumably, since it was the fence that  
16 was at issue and was a variance for the fence,  
17 presumably, somebody who had an interest in the  
18 fence would be here because it was a fence.

19 CHAIRMAN FUSARO: Makes sense.  
20 Michael is a little wishy-washy on that. Okay. I  
21 don't have an issue with the application. Again,  
22 knowing that it is an oversized lot, we're not too  
23 concerned about the size of the backyard, the lot  
24 certainly -- you know, where the fence location.  
25 Again, a hardship would be considered also that

1 the property does have two front yards. So that  
2 certainly causes an issue. If it was a rear yard,  
3 it wouldn't be a problem at all. With that being  
4 said, I would support the application. How does  
5 the rest of the Board feel?

6 MR. SONTZ: For a 6-foot  
7 board-on-board fence, I'm all for it. And that's  
8 Springfield Avenue back there, so it's not like  
9 anyone is walking back there with baby carriages  
10 or anything. It's a very busy, dangerous road.  
11 So a 6-foot fence is appropriate. I would just  
12 make a condition that it's done in accordance with  
13 this DJ Egarian drawing which shows the fence  
14 going around the entire property and exactly where  
15 it's going.

16 CHAIRMAN FUSARO: Yes. We've heard  
17 from Mr. Khan that the fence will enclose  
18 basically from either side of the house the entire  
19 remainder of the property.

20 MR. SONTZ: And that's what the  
21 drawing shows.

22 CHAIRMAN FUSARO: Anyone else on  
23 this end?

24 MR. REISEN: I have no problem with  
25 this application.

1 MR. EILBACHER: I'm open to this.

2 CHAIRMAN FUSARO: Anyone else? May  
3 I have a motion?

4 MR. SONTZ: Motion to approve the  
5 application as submitted.

6 MR. EILBACHER: Second.

7 CHAIRMAN FUSARO: Jenny, please call  
8 the roll.

9 MS. MANCE: Ms. Molnar.

10 MS. MOLNAR: Yes.

11 MS. MANCE: Mr. Cohen.

12 MR. COHEN: Yes.

13 MS. MANCE: Mr. Sontz.

14 MR. SONTZ: Yes.

15 MS. MANCE: Vice-chair Masciale.

16 MR. MASCIALE: Yes.

17 MS. MANCE: Chairman Fusaro.

18 CHAIRMAN FUSARO: Yes.

19 MS. MANCE: Mr. Eilbacher.

20 MR. EILBACHER: Yes.

21 MS. MANCE: Mr. Reisen.

22 MR. REISEN: Yay.

23 CHAIRMAN FUSARO: Your application  
24 is approved, Mr. Khan. Good evening and good  
25 luck. It's 9:08, we're going to take a quick

1 10-minute break. As soon as we get back we'll  
2 address the rest of the applications. We still  
3 have one, two three four left. We've gone through  
4 three. So as soon as we get back, we'll let you  
5 know what our thoughts are and, hopefully, try to  
6 get to all of them tonight. Thank you.

7 (BREAK TAKEN.)

8 CHAIRMAN FUSARO: We're back. It's  
9 9:22 in the evening and we still have four  
10 applications. The last application of the evening  
11 is a carried application, ZBA 22-041, Jessica and  
12 Brian Fineburg at 164 Landsdowne Avenue. I'm not  
13 certain that we'll get to that application.  
14 You're welcome the stay and if we can move it  
15 along, we will. We're going to probably not start  
16 any new testimony, any new applications much after  
17 11:00, something like that. So if we don't get to  
18 that one, that one will be carried. But we're  
19 going to try to get through as many as we can.  
20 Mr. Ralph, I just want to make you aware of that.  
21 I know you have some other applications.

22 MR. RALPH: I appreciate that, thank  
23 you.

24 MR. MASCIALE: We also have a June  
25 decision date on that last application.



1 MS. RAZIN: On the Fineburg?

2 CHAIRMAN FUSARO: Yes, June 2. And  
3 Our next meeting is June 10th, I believe.

4 MS. BREIEN: Let me look.

5 MS. RAZIN: It's the 12th; right?  
6 The second Monday.

7 CHAIRMAN FUSARO: The second Monday  
8 is the 12th.

9 MS. BREIEN: It's the 12th, yes.

10 CHAIRMAN FUSARO: The next  
11 application this evening is ZBA 23-07, Matt  
12 Norquist, 705 Saint Marks Avenue. Applicant is  
13 seeking to expand the existing covered front porch  
14 contrary to the following sections of the  
15 Westfield Land Use Ordinance: Section 11.09E5  
16 where the minimum established front yard setback  
17 is 23.23 feet and the existing/proposed is 18.29  
18 feet; Section 11.09E6 where the minimum side yard  
19 setback required is 10 feet and existing/proposed  
20 is 5.21 feet; and, Section 12.04F3 where the  
21 maximum building coverage with porches required is  
22 24% or 1, 380 square feet, existing nonconforming  
23 is 23.09% or 1,328 square feet and proposed is  
24 25.30% or 1,455 square feet. Anyone for the  
25 application, please come forward. Good evening,

1 Mr. Ralph.

2 MR. RALPH: Good evening.

3 CHAIRMAN FUSARO: Please state your  
4 name and address for the record, spell your last  
5 name.

6 MR. RALPH: Gregory Ralph. Last  
7 name, R-a-l-p-h. 1934 Route 22 East, Bound Brook,  
8 New Jersey 08805.

9 CHAIRMAN FUSARO: We'll continue to  
10 recognize you as an expert in the field of  
11 architecture. You've appeared numerous times  
12 before the Board this year, so we'll take that.

13 MR. RALPH: Thank you.

14 CHAIRMAN FUSARO: And, ma'am, please  
15 state your name and address for the record and  
16 spell your last name.

17 MS. NORQUIST: Samantha Norquist,  
18 S-a-m-a-n-t-h-a, N-o-r-q-u-i-s-t.

19 CHAIRMAN FUSARO: Please raise your  
20 right hand.

21 GREGORY RALPH, and, SAMANTHA  
22 NORQUIST, having been duly sworn, were examined  
23 and testified as follows:

24 CHAIRMAN FUSARO: Tell us about your  
25 application.

1 MS. NORQUIST: I took a few notes,  
2 and I have allergies, so. We're super excited  
3 about this porch. We've been dreaming about it  
4 since we moved in 2 1/2 years ago. There's a lot  
5 of foot traffic on our block and we love to see  
6 our neighbors. I think our neighbors would say  
7 they like to see us too. We're always saying  
8 hello. We moved to Westfield for this exact sense  
9 of community. Our son and our daughter, you know,  
10 love looking out the window, kids walking up and  
11 down the street to school every morning. My  
12 husband and I work from home for the most part and  
13 would love the option to work from the porch. We  
14 have a backyard but we have no coverage back  
15 there. Just to have a real roof would be nice and  
16 some fresh air. The porch is small. I think it's  
17 not overwhelming, it's meant to be a major piece  
18 of architecture. It's in the middle of what we  
19 really appreciate as a plain block, so we're not  
20 trying to be overwhelming by any means. As I  
21 said, we moved here 2 1/2 years ago. We haven't  
22 changed anything about the house. We don't want  
23 to change anything else about the house. We've  
24 replaced our driveway; that's it. And we have no  
25 other major projects planned. And we would really

1 like to have the opportunity to have this small  
2 outdoor space in our home.

3 CHAIRMAN FUSARO: Thank you.

4 Mr. Ralph, do you want to take us through?

5 MR. RALPH: I'll take you through  
6 the numbers and some information about the lot.  
7 And I'll be pretty brief on this one. So one  
8 thing to call to attention that I think is  
9 interesting when we're considering this porch in  
10 relation to the neighborhood that it sits in;  
11 Chestnut Street is the zone boundary between the  
12 RS-6, which is where we lie, and the RS-10 and the  
13 RS-12. They all come together right around this  
14 block that we're on, which is relevant, in my  
15 opinion, insofar as we're considering the coverage  
16 and the mass on the lot in relation to the  
17 neighborhood as a whole. In other words, the  
18 RS-10 with a minimum lot size of 10,000, and then  
19 the RS-12 with a minimum lot size of 12,000. And  
20 you can it see on the tax map on Sheet V-0 there's  
21 a very large lot size variety in the area. And  
22 the nature of the homes, the size of the homes,  
23 and the design of the homes are very varied in  
24 that neighborhood as well. Which I think works in  
25 our favor on this particular lot for this

1 particular application. We're part of that  
2 three-lot block which also makes us unique in some  
3 ways. We're slightly undersized, 250 square feet  
4 under. And at 5,750 where 6,000 is required, that  
5 does factor a little bit into it. And we're in  
6 the center of the block, so I can understand the  
7 concern with improving this porch and front yard  
8 encroachment could relate to sight and view. With  
9 how we're situated on this block, our porch, if  
10 approved, would not affect visibility around that  
11 intersection just based on the buffer we have on  
12 the lots of each side of us.

13 Notice on the variances mentioned; I  
14 think it's important if we look at -- you can  
15 actually see it on V-0 still on the plot plan --  
16 that 5.21 number that's on the notice in the  
17 application is an existing nonconformity to remain  
18 unchanged. I'll point out that the porch setback  
19 that we're requesting is 8.11 feet. At the left  
20 side of the property<sup>5</sup> where we have that porch, we  
21 are 8.11 feet at that point. I just want to point  
22 that out because the magnitude of that  
23 encroachment is much less than a 5-foot  
24 encroachment. And as mentioned, we are proposing  
25 to encroach out to 18.29 feet with the face of the

1 porch. Another important fact that I think is  
2 relevant is that stoop is primarily existing. So  
3 where the stoop is and where the stairs are on the  
4 front of the house -- and you can see it on photos  
5 really well on V-3 -- that's the existing. What  
6 we're proposing is to come a little bit forward  
7 from that basically one tread forward From that  
8 landing so we have space to place columns but  
9 still occupy that stoop in front of the front  
10 door, and then carry that line across parallel  
11 with the front lot line.

12 We, as always, go through various  
13 presentations and iterations that we set in. That  
14 secondary portion, that occupiable portion of the  
15 porch, more from the front landing and  
16 aesthetically with the gutter lines and whatnot,  
17 it wasn't making sense. So aesthetically, it made  
18 sense to carry that porch line and that gutter  
19 line across the front. We just have three columns  
20 in the design, so trying to keep it as visually  
21 open as possible. I noticed some of the heights  
22 because I know this is important. The highest  
23 point of the roof that we've proposed is 14 1/2  
24 feet from grade. But the average height to the  
25 gutter line is just 11 feet above grade. This

1 mass, as observed from the street, will be  
2 relatively de minimis.

3                   And in terms of the architectural  
4 design -- if you look at V-6 is good with some of  
5 the 3-D views -- that vestibule entry is pretty  
6 typical of the age of the home. It has a lower  
7 plate height and it's a gable roof. So we  
8 actually are intending to pull that forward. So  
9 we're continuing that existing vestibule roof and  
10 just bringing it out over the existing stoop and  
11 that small expansion of the stoop. And then we're  
12 keeping a gable roof there with an entry. And  
13 then we're putting a shed roof to compensate for  
14 the rest of that roof area. And part of that was  
15 to get that roof height a little bit higher  
16 because we're trying to maintain the charm of that  
17 lower entry coming in the stoop, and we're popping  
18 up for a little bit better headroom in that other  
19 portion.

20                   Just a couple of other metrics, then  
21 I'll open for your questions. That entry landing  
22 is a 9-foot by 4 1/2-foot covered area. It makes  
23 a lot of sense for protecting people as they come  
24 in and out of the house including packages. The  
25 body of the porch over on the right is

1 9-by-13 feet. We feel like it's appropriately  
2 sized. In total, it's less than 2/3 of the length  
3 of the front elevation, so we're not asking to  
4 cover it all. And it nicely arrives at the  
5 driveway. So that's another point that they're  
6 able to have direct access from the garage from  
7 the driveway right up onto that covered porch for  
8 quick and safe access. Let me make sure I didn't  
9 miss anything.

10 On the coverage, if we were a  
11 conforming lot, we would be allowed 1,440 square  
12 feet or 24%. We have 1,455, so we're 15 square  
13 feet of a baseline of an RS-6 lot. But I point  
14 back to what I started with, because we're in this  
15 mix of a variety of lot sizes, I don't feel that  
16 1,455 square foot coverage, if approved, would  
17 stand out in the neighborhood or on Saint Marks at  
18 all. And I believe that covers my base testimony.

19 CHAIRMAN FUSARO: Thank you,  
20 Mr. Ralph. A couple of quick questions. I see  
21 that, as you mentioned, the porch coming forward  
22 in front of the house at the peak section is  
23 8 foot 10 inches which is, in my opinion, not  
24 excessive and basically kind of a minimum of what  
25 you need for a usable porch. If you reduced it



1 anymore, I think it would not be conducive to be  
2 used as a porch. I see that you're adding -- and  
3 please correct me if I'm wrong with any of these  
4 figures -- approximately 127 square feet which is  
5 75 square feet that's allowed. I'm very familiar  
6 with the area. I walk by it literally every  
7 evening. I live in the area. Yes, you're  
8 correct, there are numerous different homes in the  
9 area of various types and sizes. I think that I  
10 was a little concerned about the setback moving  
11 from 22.79 feet to 18.29 which is basically 4 1/2  
12 feet. So you're going forward 4 1/2 feet. There  
13 are two lines of sight there from South Chestnut  
14 and Benson. But as you mentioned, there are  
15 corner lots on either side of you, so I don't  
16 think that's going to pose a problem. I think the  
17 aesthetics will improve the front of the home.  
18 And as you know, our Master Plan encourages the  
19 use of porches. I appreciate you taking that into  
20 consideration as well.

21 I don't have any additional  
22 questions for the architect or the Applicant.  
23 Does the Board?

24 MR. MASCIALE: Frank, I agree. I  
25 really don't like the setbacks moving forward, but

1 in this case, I think the aesthetics will come a  
2 little bit with the three lots there. I run by  
3 this over the last 30 years or walk by a couple of  
4 times a week. I was a little concerned with it  
5 coming out, but I think it's fine. As long as we  
6 put the condition that it remains open.

7 CHAIRMAN FUSARO: Yes, that would --  
8 our standard for porches. As you know, Mr. Ralph,  
9 three sides remain open. And, certainly, if we  
10 approve the application, that would be one of the  
11 conditions. The rest of the Board Members, does  
12 anyone have any questions for the Applicant?

13 MS. MOLNAR: Yes, I just want to  
14 confirm; the vestibule is being maintained; right?

15 MR. RALPH: Correct.

16 MS. MOLNAR: And then you're adding  
17 the porch to the side of the house?

18 MR. RALPH: Correct. Carrying the  
19 roofline of the vestibule over the existing stoop  
20 and the extension.

21 MS. MOLNAR: Are you changing the  
22 roof over the vestibule?

23 MR. RALPH: We are not. No, that  
24 was actually important to maintain the character  
25 of the house from the street and keep that flow.

1 CHAIRMAN FUSARO: He's basically  
2 extending it forward.

3 MR. RALPH: Correct.

4 MS. MOLNAR: I see. It's getting  
5 enlarged.

6 MR. RALPH: Correct.

7 MR. COHEN: Do we gain any square  
8 footage by eliminating the steps by the garage or  
9 is that just part of the -- is that permitted by  
10 --

11 MR. RALPH: It's impervious.  
12 Correct.

13 MS. MANCE: And we typically don't  
14 count the stairs.

15 MR. COHEN: You don't count the  
16 stairs. Okay.

17 MR. RALPH: If I may, one final  
18 point -- if the existing building coverage was  
19 conforming, this porch in its entirety would fit  
20 within the 4% porch allowance. I did want to  
21 mention that. It is an appropriately-sized porch  
22 for the current lot at its current size.

23 CHAIRMAN FUSARO: Anyone else have  
24 any other comments for the architect or the  
25 Applicant at this time?

1 MS. MOLNAR: Yeah. One question.  
2 The average setback is 23 for the three homes on  
3 that street; right?

4 MR. RALPH: Correct.

5 MS. MOLNAR: So you're going down to  
6 18. Is that going to look out of place with the  
7 other two homes?

8 MR. RALPH: I didn't feel so  
9 primarily because of what I said about the height.  
10 We're only 11 feet at that gutter line, so it's  
11 not a large mass coming toward you. And because  
12 it's open-air, I feel like it won't.

13 MR. MASCIALE: It's going to come  
14 out a little bit, Carol, but it's going to look  
15 really nice I think.

16 MS. MOLNAR: If it's filled in, it  
17 won't look open.

18 MR. MASCIALE: Yeah, if it's filled  
19 in, it won't look open. I think it's got to  
20 remain open.

21 CHAIRMAN FUSARO: That average front  
22 yard setback at 23.23 feet, is that just of those  
23 three homes or does it continue on either side of  
24 Benson or Chestnut? Would you happen to know  
25 that?

1                   MR. RALPH: I'd have to check. From  
2 my understanding, it's on the block, and it does  
3 cross the intersection.

4                   CHAIRMAN FUSARO: Thank you. Anyone  
5 else have any other questions for Mr. Ralph or the  
6 Applicant? Anyone from the audience wish to  
7 address the application please come forward and  
8 state your name and address for the record.  
9 Seeing none, I'll close that portion. Is there  
10 anything else you'd like to add, Mr. Ralph?

11                  MR. RALPH: No, thank you.

12                  MS. NORQUIST: Thank you for your  
13 time.

14                  CHAIRMAN FUSARO: We'll close that  
15 portion of the meeting and open it up to board  
16 discussion. As we've heard, the architect has  
17 done a nice job in designing a porch which will  
18 certainly add to the aesthetics of the home. Many  
19 homes in this neighborhood in this area do have  
20 front porches and it is encouraged by our Master  
21 Plan. The lot is slightly undersized. I see us  
22 granting this under a c(1) variance and not having  
23 a problem. I am in favor of supporting the  
24 application with the condition as Chris mentioned  
25 that the porch remains open on three sides; which

1 is one of our standard conditions that we  
2 generally put on porch applications. Any Board  
3 Members have any other thoughts? Additions?  
4 Concerns? Questions? Seeing none.

5 MR. MASCIALE: I'll make a motion to  
6 accept the application with the condition that the  
7 porch remains open.

8 MR. REISEN: Seconded.

9 CHAIRMAN FUSARO: Jenny, please call  
10 the roll.

11 MS. MANCE: Ms. Molnar.

12 MS. MOLNAR: Yes.

13 MS. MANCE: Mr. Cohen.

14 MR. COHEN: Yes.

15 MS. MANCE: Mr. Sontz.

16 MR. SONTZ: Yes.

17 MS. MANCE: Vice-chair Masciale.

18 MR. MASCIALE: Yes.

19 MS. MANCE: Chairman Fusaro.

20 CHAIRMAN FUSARO: Yes.

21 MS. MANCE: Mr. Eilbacher.

22 MR. EILBACHER: Yes.

23 MS. MANCE: Mr. Reisen.

24 MR. REISEN: Yay.

25 CHAIRMAN FUSARO: Your application

1 is approved. Good luck. Moving right along. The  
2 next application on the agenda this evening is  
3 Application number ZBA 23-11 David Palmisano,  
4 134 Jefferson Avenue. Applicant is seeking to  
5 expand an existing first-floor two-car garage and  
6 add a second-story addition above to allow for two  
7 additional bedrooms with walk-in closets and a  
8 laundry room contrary to the following sections of  
9 the Westfield Land Use Ordinance: Section 11.07E6  
10 where the minimum side yard setback required is  
11 10 feet and the proposed is 6.02 feet. Good  
12 evening.

13 MS. PALMISANO: Hi.

14 CHAIRMAN FUSARO: How are you?

15 Please state your name and address for the record  
16 and spell your last name.

17 MS. PALMISANO: Kelly Palmisano,  
18 P-a-l-m-i-s-a-n-o, 134 Jefferson Avenue.

19 CHAIRMAN FUSARO: Sir.

20 MR. PALMISANO: David Palmisano,  
21 134 Jefferson Avenue, P-a-l-m-i-s-a-n-o.

22 CHAIRMAN FUSARO: Can you both raise  
23 your right hands?

24 KELLY PALMISANO and DAVID PALMISANO,  
25 having been duly sworn, were examined and

1 testified as follows:

2 CHAIRMAN FUSARO: Please tell us  
3 about your application.

4 MS. PALMISANO: Great. Thanks. My  
5 husband and I are looking forward to coming back  
6 to the area to raise our family, and in doing so  
7 we are hoping to extend the garage to make it a  
8 true two-car garage so two cars can fit inside.  
9 We're putting an addition above the garage which  
10 would accommodate bedrooms for each of our  
11 children and a proper guest room with those  
12 changes. My parents who lived in the area for  
13 years have since moved out. When they visit,  
14 there will be a place for them to stay, a place  
15 for them to park. My husband and I park our cars  
16 and then my in-laws come and watch our children.  
17 They're older; for health and safety reasons, we'd  
18 love for them to comfortably park in the garage  
19 while my husband is at work. And I'm coming and  
20 going in and out with the kids. I think we did a  
21 lot of versions of what this house could look like  
22 with Greg and his team. Some versions required  
23 asking for more variances. There was one that had  
24 no variance. And we really weighed a lot of  
25 different options. And ultimately, our goal was



1 to have the minimum ask that would bring safety  
2 and functionality to our family while maintaining  
3 the aesthetics of the neighborhood. And that is  
4 important to us. We're not trying to build a  
5 monstrosity. We drove around the neighborhood and  
6 saw other homes that had garages and additions  
7 above. We loved the look of the dormers. It felt  
8 that it kept some character and aesthetic if we  
9 added those in. So we are taking all of that into  
10 consideration with our ask.

11 We know that some of the neighbors  
12 are concerned and they want to maintain green  
13 space, and we understand that as well. We also  
14 believe that the measurements for the variance  
15 we're asking for and ultimately the addition we  
16 hope to put above will maintain that green space.  
17 There's a line of natural shrubbery right now  
18 dividing our property and our neighbor's property  
19 directly next door. We will maintain and add to  
20 that if needed. We can extend it out. We really  
21 went through quite a few options with Greg and his  
22 team to land somewhere that we felt was a happy  
23 medium asking the minimum and taking into  
24 consideration the health and safety of our family.

25 In addition to the reasons that I've

1 provided to you about some of what we want to  
2 achieve here, we have personal health situations  
3 that could have further implications for our  
4 family that would really require and give us peace  
5 of mind to have that safety to be able to park  
6 both of our cars in our garage, and currently, we  
7 cannot do that.

8 CHAIRMAN FUSARO: Thank you.  
9 Mr. Ralph, long time no see.

10 MR. RALPH: Hello again. All right,  
11 I'll walk you through -- this one, I'll walk you  
12 through the plan a little bit because I think it's  
13 relevant to the application.

14 MS. REISEN: You need to swear him  
15 in.

16 CHAIRMAN FUSARO: Mr. Ralph, please  
17 raise your right hand.

18 GREGORY RALPH, having been duly  
19 sworn, was examined and testified as follows:

20 CHAIRMAN FUSARO: We'll continue to  
21 recognize you as an expert in the field of  
22 architecture. Please proceed.

23 MR. RALPH: Thank you. On drawing  
24 V-3 on the submitted drawing that you do have in  
25 front of you, I'll just briefly walk you through

1 the plan and I'll summarize. Because it's really  
2 just this one variance for the side yard, but I  
3 understand that we have to see how we arrived  
4 there. The existing garage is a 16-foot-6 clear  
5 interior. That's a 1 1/2 car garage even by  
6 Westfield's zoning standards. The objective when  
7 I was hired was to create a two-car garage  
8 understanding that it would likely require a  
9 variance, and to their point, we had to weigh. We  
10 arrived at a 21-foot clear interior garage  
11 dimensioned as what made sense weighing people  
12 that might have needs getting in and out of a car  
13 needing to fully open the car door and envisioning  
14 what that looks like to have two modern-day cars  
15 in a garage next to each other with still fully  
16 operating doors. So that was truly a critical  
17 component of the garage design itself. And why  
18 we're at 21 and not 19 and not 20; it was with  
19 that functionality of the car doors and safely  
20 getting in and out. You'll see the mudroom and  
21 full bathroom looks like there's some new work  
22 going on. I just want to clarify that's all  
23 within existing footprints. We're just renovating  
24 that little connection between the garage and the  
25 house. And that was it on the first floor.

1                   On the second floor, there were  
2 objectives to net an additional bedroom because of  
3 what was mentioned for in-laws or for work from  
4 home. So we wanted to end up with five bedrooms  
5 upstairs where there are four  
6 ^ current ^ currently. So we used that space  
7 that's undeveloped over the garage and mudroom to  
8 create, as you can see in the drawing, bedroom  
9 three and bedroom four live there. Bedroom four  
10 got a little bit smooshed to 11-foot-5 by  
11 13-foot-3 because we're building over that garage  
12 footprint fully. And then you'll notice that the  
13 walk-in closet and the hallway are set in about  
14 5-foot-7 from the front facade. When we were  
15 playing with design iterations, we did try to take  
16 the second-floor wall, put in 4 feet in, look at  
17 how it looks, take it out. And where we arrived  
18 was the dormer, which you can see on the 3D views,  
19 we felt was the best impact for the block to have  
20 that nice center dormer with two windows and to  
21 kind of diminish the mass of that encroachment.

22                   So with that, I'll actually take you  
23 back to V-0 for a minute. I want to touch on  
24 something. This lot has a tapered orientation  
25 between the house and the lot lines such that the

1 encroachment at its worst is at 6.02 feet. And at  
2 the front corner of the garage -- you can see on  
3 the proposed plot plan -- is at 6.91 feet. So we  
4 are still encroaching into the side yard. I  
5 wanted to highlight that due to the nature of the  
6 orientation of the house, that magnitude of the  
7 encroachment is changing as you pass back along  
8 the house. I also want to point out that we tried  
9 the best we could to minimize the length of the  
10 mass at the side yard setback encroachment.  
11 Meaning; back on V-3, the length of the two-car  
12 garage is 22-foot-10 exterior dimension. You  
13 would be familiar if you know I would usually draw  
14 a 24-foot deep garage, 26-foot deep garage. We  
15 kept it to 22-foot-10 clear exterior, 22-foot  
16 interior. We can deal with that depth because,  
17 again, my objective is getting in and out of the  
18 car.

19 Then on that second floor with that  
20 dormering(sic) effect, we reduced that  
21 encroachment to 17-foot-3. So, again, I want to  
22 put into context; when you look at the whole depth  
23 of the house and the structure, we did as minimal  
24 in length as possible. We can go down to V-6 for  
25 a moment; front elevation. On the front

1 elevation, if you looked at the existing photos or  
2 passed by the house, you'll see that we're also  
3 residing, we're adding dormers in the attic, and  
4 then you can see the expansion of the garage with  
5 the two individual doors which is a little bit of  
6 a nicer look, and with the dormer with the four  
7 windows above it. Again, I feel architecturally  
8 that this is a really appropriate design for the  
9 neighborhood in terms of aesthetics. You can see  
10 on that left elevation that while those walls  
11 align, while the first and second floor aligns,  
12 we've wrapped the skirt-roof and the gutter line  
13 across that left-side elevation to break that  
14 plane. I have the height. That height is also  
15 just 11 feet above-grade. So more of a  
16 pedestrian-scale break in that wall. And the  
17 second-floor gutter line is at 18 feet with the  
18 ridge at 24 feet. So versus another plan where we  
19 could build up to 32 feet conforming and be at the  
20 10-foot mark, we understand that we're asking for  
21 an encroachment variance, so we kept that ridge  
22 height as low as possible. And we have a feature  
23 on the side; we do have, what I feel like -- the  
24 garage doesn't need windows, but we put in windows  
25 on the side of the garage to also respect that

1 encroachment.

2                   And I guess I'll just end with on  
3 V-7.1, we should have a couple of renders that  
4 show how it feels from the street and with a  
5 little angle from the side of the house. And just  
6 restated something that they said and further it,  
7 yes, this will be at 6 feet from the property  
8 line. I would also state at in the inverse, there  
9 will be 6 foot for access for small equipment for  
10 themselves to bring things around the house, so  
11 there is still pass ability between the property  
12 line and the garage. And I'll also highlight that  
13 if you did look in the photos, there is existing  
14 screening that varies from 6 to 10 feet. And they  
15 certainly don't object to -- if this were  
16 acceptable -- maintaining and/or even improving  
17 that natural planted screening which would do a  
18 lot for the neighboring house which has  
19 first-floor windows and a couple of second-floor.  
20 It would screen the view of the house. I think  
21 that's it for my direct. I'm happy to answer  
22 questions.

23                   CHAIRMAN FUSARO: I have a couple of  
24 quick questions. One of them, I believe you  
25 answered in our opening statement. I was going to

1 ask you if the existing garage was one car or two.  
2 And you said it's 1 1/2.

3 MR. RALPH: Right. By zoning, I'd  
4 say it's one.

5 CHAIRMAN FUSARO: Because on your  
6 V-7.1, it appears to have up on the left-hand  
7 corner of the existing property, it kind of looked  
8 like a two-car garage, but I looked at the  
9 dimensions and, obviously, it's neither a one or a  
10 two.

11 MR. RALPH: Agreed.

12 CHAIRMAN FUSARO: That was my one  
13 question. My other note that I wanted to make was  
14 I noticed on your property survey you have a shed  
15 at the back of the property. It's not 5 feet off  
16 the property line, so just try to keep that in  
17 mind in case someone brings that up in the future.

18 MR. RALPH: Noted.

19 CHAIRMAN FUSARO: The other -- going  
20 to the second floor, which I believe is your V-3  
21 drawing.

22 MR. RALPH: Yes.

23 CHAIRMAN FUSARO: I understand and I  
24 appreciate the work that you put into the design  
25 of the plan with respect to the massing; cutting



1 out that front corner instead of building entirely  
2 over the garage. However, looking at this  
3 proposed second-floor plan, was any consideration  
4 given to those walk-in closets which are directly  
5 over the garage, they're pretty deep -- now  
6 granted, while it wouldn't eliminate your variance  
7 -- was any consideration given to cutting that  
8 4 1/2-foot dimension bringing those closets in  
9 somewhat and cutting a couple of feet, and instead  
10 of them being walk-in closets they would just  
11 become regular closets? The reason I'm asking is  
12 a lot of these other rooms on the second floor are  
13 quite large. The master bedroom walk-in closets  
14 are 9-by-11. The master bathroom is approximately  
15 -- it's approaching 14-by-12. The rooms are  
16 relatively large. I understand that the garage is  
17 governing your variance request. I understand  
18 that. However, from a massing standpoint, was any  
19 consideration given to either shrinking that  
20 second-floor plan a little bit?

21 MR. RALPH: Yeah. That's a great  
22 question. And, it was. And I had looked at 3D  
23 views with the design team in the office with  
24 cutting it in, and I honestly say that we felt  
25 that from the street view looking at it to have a

1 perfect symmetry with the window on the right and  
2 all the way the window on the left with the  
3 walk-in closet, we felt that architecturally that  
4 was a better solution understanding we had to ask  
5 for that same setback on the second floor.

6 CHAIRMAN FUSARO: One other quick  
7 question. Does the attic have any habitable  
8 space?

9 MR. RALPH: Well, we have a walk-up  
10 stair.

11 MS. PALMISANO: It's a walk-up  
12 stair, but...

13 CHAIRMAN FUSARO: Is it unfinished?

14 MS. PALMISANO: Yes.

15 CHAIRMAN FUSARO: And there are no  
16 plans to create an additional bedroom?

17 MS. PALMISANO: No.

18 MR. PALMISANO: There's only a small  
19 amount of space with the 7 feet height.

20 MR. RALPH: It's 3-foot-6 wide at 7  
21 feet. I just wanted you to clarify that you're  
22 not going to finish it.

23 MS. PALMISANO: No. And the dormers  
24 are really for aesthetics. They're very narrow.

25 MR. RALPH: That was part of my

1 other testimony that we didn't want to lift the  
2 ridge height because we knew we were asking for  
3 this, so we were trying to keep the ridge height  
4 smaller.

5 CHAIRMAN FUSARO: Got it. Do any  
6 Board Members have any questions for the architect  
7 or the Applicant at this time?

8 MS. MOLNAR: I'm looking at V-7.1.  
9 Maybe it's the drawing, but the dormers make the  
10 building look so bulky. Are you wedded to those  
11 third-floor dormers?

12 MR. RALPH: I miss the last  
13 question.

14 MS. MOLNAR: Are you guys wedded to  
15 have dormers on the third floor?

16 MR. MASCIALE: I think they look  
17 great. I think they add a lot of character.

18 MS. MOLNAR: I can't tell from this  
19 photo. That's all.

20 MR. MASCIALE: I think they look  
21 great, Carol.

22 MS. PALMISANO: We actually weren't  
23 even thinking about the dormers at first, but we  
24 saw a few other homes that had smaller dormers  
25 like that. And we did a variation that had gables

1 also, and we just didn't like the look of that.  
2 And we thought that didn't match with the general  
3 feel.

4 MS. MOLNAR: So you tried several  
5 versions. Okay.

6 MS. PALMISANO: So I personally  
7 thought the dormers looked aesthetically pleasing.  
8 Gave a little bit of definition and sort of makes  
9 sense for the project.

10 MR. PALMISANO: We're not married to  
11 the size of it. I think the pictures make it look  
12 bigger than we actually envisioned.

13 MR. RALPH: But it's appropriate.  
14 (Crosstalk.)

15 MS. PALMISANO: We wanted it to be  
16 symmetrical.

17 CHAIRMAN FUSARO: Do any Board  
18 Members have any questions for the architect or  
19 the Applicant at this time? I'm going to ask if  
20 anyone from the audience who has a specific  
21 question for the Applicant or the architect to  
22 come forward and they can ask that question, and  
23 then I will also ask you for your general comments  
24 at a later date. So if you have any specific  
25 questions regarding the plans for the architect or

1 Applicant please come forward.

2 State your name and address for the  
3 record.

4 MR. AST: Jordan Ast, and I live at  
5 136 Jefferson Avenue.

6 CHAIRMAN FUSARO: Please raise your  
7 right hand.

8 JORDAN AST, having been duly sworn,  
9 was examined and testified as follows: Please  
10 proceed.

11 CHAIRMAN FUSARO: Please proceed.

12 MR. AST: It's really a question. I  
13 was sitting in the back and it's a little hard to  
14 hear from the beginning which is why I moved  
15 forward. But I heard something said about the  
16 two-car garage and thought I heard -- maybe this  
17 is a question for -- I think -- is this being  
18 recorded by a stenographer that it could be read  
19 back?

20 MS. REISEN: It is being recorded.

21 MR. AST: There was something about  
22 a two-car garage. I thought it was said that both  
23 doors would be opened at the same time tonight.  
24 Did I hear that correct?

25 MS. RAZIN: If you have a question

1 about the testimony...yeah. (Indicating.)

2 MR. RALPH: No. Not in my direct.

3 My comment was that with one car already parked in  
4 the garage, we wanted to provide room for the  
5 second car to enter the garage and be able to  
6 fully open the doors on both sides. That's what I  
7 said.

8 MR. AST: So you'd open them from  
9 both?

10 MR. RALPH: The driver and the  
11 passenger.

12 (Crosstalk.)

13 CHAIRMAN FUSARO: The doors to the  
14 car, not the garage.

15 MR. RALPH: Yes, sorry.

16 MR. AST: I was talking about  
17 (indiscernible.)

18 MR. RALPH: Yeah. So the driver and  
19 the passenger would both have 3 feet-plus to open  
20 the doors without hitting the wall or the car next  
21 to them. That's what I was saying. I was not  
22 saying both doors would have doors  
23 (indiscernible.)

24 MR. AST: And you said something  
25 else also about you felt that it was best for the

1 (indiscernible) and you referenced --

2 MS. RAZIN: I'm sorry. Can you  
3 just...

4 MR. AST: I'm sorry. He said  
5 something about moving a wall looking like it was  
6 best for the block. And I'm wondering if you  
7 could explain that a little bit better. Like,  
8 which wall specifically you considered?

9 MR. RALPH: Yeah, sure. I can show  
10 too here. (Indicating.) On the rendering, V7.1,  
11 this wall on the second floor which is there --

12 MR. AST: Can you describe it for  
13 me?

14 MR. RALPH: On the proposed front  
15 view, I'm pointing to the corner left of the  
16 second floor and saying that wall, if we moved it  
17 in 4 feet, we would no longer have the window that  
18 was there. And that symmetry with the windows was  
19 an important part of the design iterations. I was  
20 saying it would feel off and would be a mistake  
21 when you look at that.

22 MR. AST: And did you consider  
23 moving any of the walls on the other side of the  
24 garage?

25 MR. RALPH: That's a great question.

1 Yes, we did consider that. And it tends to be so  
2 impractical because there's a full basement and  
3 there's other infrastructure, so it's very  
4 difficult to move the wall. That's a good  
5 question.

6 MR. AST: And did you at any point  
7 recommend starting over to be able to accomplish  
8 the house within the footprint?

9 MR. RALPH: Yeah, that's another  
10 great question. And part of the testimony I  
11 should have given; because of where the house is  
12 sitting, it's actually a little further from the  
13 right lot line where it needs to be. So because  
14 of where the house is sitting, we apparently  
15 inherited the issue with expanding the second  
16 garage. We definitely did not explore redoing the  
17 house because that would be more work than they  
18 set out for. And also, I'm happier with where we  
19 landed than if we were to build a conforming new  
20 home at 32 feet high; personally.

21 MR. AST: Why would it only need to  
22 be 32 feet high?

23 MR. RALPH: It's my experience that  
24 when people are investing money in a new dwelling  
25 in Westfield that they would generally work with



1 the bulk standards because it's usually an issue  
2 of funds.

3 MR. AST: Is it your belief that a  
4 two-car garage couldn't fit on the property if you  
5 built from scratch?

6 MR. RALPH: No, I wouldn't say that.  
7 We could.

8 MR. AST: So am I correct that it's  
9 just your belief that they wouldn't want to fit a  
10 two-car garage on the property if they were to  
11 start from scratch?

12 MR. RALPH: I don't think I was  
13 saying -- I figured if they built a new home,  
14 they'd build a two-car garage. But I'm saying, in  
15 general, it's promoted to rehab and work with what  
16 you have versus tear down and start from new. And  
17 so we were trying to accomplish that.

18 MR. AST: Okay. Thank you.

19 MR. RALPH: You're welcome.

20 CHAIRMAN FUSARO: Does anyone else  
21 in the audience have a direct question for the  
22 Applicant or the architect at this time? I will  
23 ask the audience to come back up for general  
24 comments later. Seeing none, I'll close that  
25 portion. Mr. Ralph, is there anything you would

1 like to add?

2 MR. RALPH: No. I feel that  
3 answering those questions gave some other points  
4 that I was going to hit. So I'm done. Thank you.

5 MR. COHEN: Can I ask another  
6 question?

7 CHAIRMAN FUSARO: Yeah, absolutely.

8 MR. COHEN: But Mr. Ralph, relative  
9 to the other houses on the block, are there any  
10 other homes in the immediate vicinity that have  
11 side yard encroachments of the magnitude that  
12 you're proposing here?

13 MR. RALPH: Probably it's something  
14 I should have looked into, and I can honestly say  
15 I don't know. But what I did look into was the  
16 mix of garages to ensure that we weren't asking  
17 for the only two-car garage. And they definitely  
18 exist. But I can't answer your comment honestly.

19 MR. COHEN: Do you know how close  
20 the left-side neighbor is to the current house and  
21 then to the proposed extended house?

22 MR. RALPH: We measured that on  
23 Google, but I don't know how much you can rely on  
24 that.

25 MS. MANCE: How far is the house

1 from? I'm sorry. What was the question?

2 MR. COHEN: My question is just how  
3 close is the house to the left that's going to be  
4 closest to the expansion from the lot line or from  
5 the proposed expansion?

6 MS. MANCE: I can take a look, but  
7 it wouldn't be the most accurate by using  
8 Nearmapping. But we don't have a survey of that  
9 property.

10 CHAIRMAN FUSARO: If you could take  
11 a look, perhaps there's a driveway that would --

12 MS. MANCE: Sure.

13 MR. RALPH: I think it's in the --  
14 the photos on this drawing have it.

15 MR. AST: Is the question on my  
16 house?

17 MR. RALPH: Yes.

18 MR. AST: I would ask to be --

19 MS. RAZIN: If you want to come up  
20 and provide testimony during public comment you  
21 certainly can.

22 CHAIRMAN FUSARO: We'll get you back  
23 up in a second. Jenny, can you look it up real  
24 quick?

25 MS. MANCE: I can try, sure.

1                   CHAIRMAN FUSARO: Great. Thanks. I  
2                   have another question. One other quick question,  
3                   Jenny. In this zone, what is required as far as a  
4                   garage? Is it a one or a two-car?

5                   MS. MANCE: This is the RS-6?

6                   MR. RALPH: R-10.

7                   MS. MANCE: I believe it is one.

8                   CHAIRMAN FUSARO: One?

9                   MS. MANCE: I can check on that as  
10                  well.

11                  MR. RALPH: You get the one-car  
12                  credit in the zone.

13                  CHAIRMAN FUSARO: You're correct. I  
14                  was wondering why there was 1 1/2. I'm trying to  
15                  figure out this 1 1/2-car garage.

16                  MS. MANCE: Well, zoning does  
17                  consider a parking space 9-by-18. In the area  
18                  that I was looking at, 324 is the minimum, so by  
19                  zoning, we do consider this a two-car garage. But  
20                  I will look into that.

21                  CHAIRMAN FUSARO: Okay. So it is  
22                  considered, currently, a two-car garage.

23                  MS. MANCE: Correct.

24                  MS. PALMISANO: And that,  
25                  truthfully, is how it was listed and marketed and

1 what our first thoughts were when we say it and  
2 not really knowing better, and then all of a  
3 sudden, doing some measurements and realizing  
4 that...

5 CHAIRMAN FUSARO: Two small cars.

6 MS. PALMISANO: Yeah.

7 MR. PALMISANO: We spent years  
8 looking for a house, and when this came up, we  
9 kind of acted on it really quick.

10 MS. PALMISANO: And didn't realize  
11 that.

12 MR. COHEN: Could this be done as a  
13 19 or a 20 instead of 21? I don't know if that  
14 ameliorates any of the neighbor's concerns.

15 MR. RALPH: That was more of my  
16 position co.

17 MR. COHEN: I get the safety issues,  
18 but would the Applicants be willing to do that?

19 MR. RALPH: They are willing. They  
20 would be willing. Before when I said we did try  
21 all of those and we looked at them and 21 was the  
22 number and they really want the 21 number. If  
23 it's between an approval and a denial without  
24 substantial redesign, then there would be a study  
25 of slightly, very slightly smaller. We had

1 discussed it.

2 CHAIRMAN FUSARO: If it were reduced  
3 to 20, which is more along the lines of a standard  
4 two-car garage, that would increase the side yard  
5 --

6 (Crosstalk.)

7 MR. RALPH: Seven point...

8 CHAIRMAN FUSARO: Seven and almost  
9 eight at the --

10 MR. RALPH: I agree with that  
11 statement.

12 CHAIRMAN FUSARO: Anyone else have  
13 any questions for the architect or Applicant at  
14 this time? Seeing none. At this point, I ask  
15 anyone from the audience that has any general  
16 comments opposed to or in support of the  
17 application please come forward. Good evening,  
18 please state your name and address for the record  
19 and spell your last name.

20 MR. LIES: My address is 135  
21 Jefferson Avenue. I live directly across to the  
22 proposed application change. My name is Dennis  
23 Lies, L-i-e-s.

24 CHAIRMAN FUSARO: Thank you, sir.  
25 Please raise your right hand.

1 DENNIS LIES, having been duly sworn,  
2 was examined and testified as follows:

3 CHAIRMAN FUSARO: Thank you. Please  
4 proceed.

5 MR. LIES: I'm opposed to this  
6 application. I presume that the side yard setback  
7 was established to maintain enough space between  
8 homes to establish a desired appearance and  
9 character of a neighborhood; which is exactly what  
10 we have in this neighborhood. Most of the homes  
11 in the neighborhood are diverse-sized; larger and  
12 smaller. There're two-car and single-car garages.  
13 But predominately on the block south of Saunders  
14 Avenue where this is located, there are single-car  
15 garages, most of them single-car garages. I guess  
16 I'm just trying to understand why there's a need  
17 in this instance for a 4 feet variance to create a  
18 double-car garage and an addition that is -- I  
19 just don't understand. I think from my  
20 perspective from across the street I'm not sure  
21 how it's going to impact, but I think it's going  
22 to definitely be not something as desirable as I  
23 see now.

24 This home, the one next to it, is  
25 you know, it's a good-sized home, it's a newer

1 home. And this home is 1950 and it's not as  
2 large. And the proposed application and existing  
3 and what they're proposing on the second floor,  
4 it's going to change not only the appearance  
5 because of the size, so that also is going to lend  
6 to the appearance of these two being closer  
7 together, and very close together, and changing  
8 what I think is the appearance of the  
9 neighborhood.

10 CHAIRMAN FUSARO: Thank you, sir.  
11 We appreciate your testimony.

12 MR. LIES: Thank you.

13 MR. COHEN: Can I ask you a  
14 question?

15 CHAIRMAN FUSARO: Sure. Go ahead.

16 MR. COHEN: Do you have any position  
17 one way or the another with respect to my question  
18 about whether --

19 MR. LIES: Yeah. I think I would be  
20 open to that. I think there seems to be a  
21 solution where they should be able -- I would  
22 think that without being as much as 4 feet of a  
23 variance that we could do something that, you  
24 know, is not as drastic, in my opinion. I mean  
25 you know, I don't know what that is.



1 CHAIRMAN FUSARO: Compromise.

2 MR. LIES: Yeah. Exactly.

3 CHAIRMAN FUSARO: Does anyone else  
4 have any general comments in support or opposition  
5 to the application please come forward. Please  
6 state your name and address for the record and  
7 please spell your last name.

8 MR. KUYAT: Sure. It's Greg Kuyat,  
9 K-u-y-a-t, 150 Jefferson Avenue. I'm two doors  
10 down. Sorry.

11 CHAIRMAN FUSARO: Please raise your  
12 right hand.

13 GREG KUYAT, having been duly sworn,  
14 was examined and testified as follows:

15 CHAIRMAN FUSARO: Thank you. Please  
16 proceed.

17 MR. KUYAT: We own the house two  
18 doors down and as indicated --

19 CHAIRMAN FUSARO: To the right or to  
20 the left?

21 MR. KUYAT: Looking at the house,  
22 it's to the left.

23 CHAIRMAN FUSARO: To the left.  
24 Thank you.

25 MR. KUYAT: As we see the houses in

1 the neighborhood all getting slightly larger, the  
2 green space between the houses is very important.  
3 When we moved into the neighborhood 20 years ago,  
4 that was one of the lures. The neighborhood has  
5 good green space, the houses have a good feel for  
6 the size of the relatively small properties. It  
7 adds character to the neighborhood. I personally  
8 feel it adds value to all those houses. As to  
9 your point, the expansion that far out puts us  
10 pretty far over the line where we think it should  
11 be. The addition, when it also goes straight up,  
12 you're blocking out -- you know, it seems you're  
13 not blocking out the entire sky, but honestly  
14 moving it over and straight up. Many of the other  
15 houses with a garage and as the current build is,  
16 the garage goes up, there's a setback, and then  
17 the house continues. I just feel that the current  
18 design is not going to give the feel of the  
19 neighborhood that we have today.

20 CHAIRMAN FUSARO: Thank you. We  
21 appreciate your testimony. Anyone else from the  
22 audience who wishes to address the application  
23 with general comments, please come forward. I'll  
24 remind you you're still under oath. Please state  
25 your name one more time.

1 MR. AST: Jordan Ast, 136 Jefferson.  
2 I'm still under oath.

3 (Whereupon, the witness reads from a  
4 prepared written statement.)

5 "Hello, Members of the Board, as I  
6 mentioned earlier, I'm the owner of 136 Jefferson  
7 Avenue, the property adjacent to the Applicant's  
8 property where I live with my wife and two young  
9 sons. I'm glad that the Applicants are looking to  
10 invest in their property and improvements to their  
11 structure. My family and I welcome them to the  
12 neighborhood and wish them happiness in their new  
13 community. However, their request to exceed the  
14 10-foot side setback requirement would  
15 significantly and negatively impact my family's  
16 home as well as the character of our neighborhood.  
17 And for these reasons, I respectfully request that  
18 the Board deny their application. The Applicant's  
19 home and ours are already close together as  
20 10 feet is a relatively small amount of space.  
21 And yet, the Applicants are asking to go 40% over  
22 the required setback. The ordinance requiring  
23 10 feet from the line is in place for a reason.  
24 And that is to provide light, air, and separation  
25 between homes. To exceed the 10-foot requirement

1 would be a departure from the norms of the  
2 neighborhood and detract from its character.

3 I call the Board's attention to the  
4 tax map that was included in the Applicant's  
5 application."

6 I've actually brought in pictures  
7 here that I'm happy to share with the Board if you  
8 wish of the various homes in the neighborhood.  
9 I've printed out the homes; three to my left and  
10 three to the Applicant's right comprising of the  
11 homes on our side of the street within the  
12 200-foot radius shown on the tax map.

13 MS. RAZIN: Would you like to enter  
14 that so that the Board can see that? You can. I  
15 just want to make sure that when you're referring  
16 to that then the Board can see that. Would you  
17 like to enter that into the record as an exhibit?

18 MR. AST: Yes.

19 CHAIRMAN FUSARO: How many do you  
20 have?

21 MR. AST: I apologize. I didn't  
22 really -- I have one copy of each setback,  
23 essentially.

24 MS. RAZIN: Okay. So how many  
25 photos are in the set that you have?

1 CHAIRMAN FUSARO: How many separate  
2 photos?

3 MR. AST: Approximately seven or  
4 eight.

5 MS. RAZIN: Seven or eight. So I'm  
6 going to mark -- and can you tell me -- did you  
7 take the photos?

8 MR. AST: I took the photos.

9 MS. RAZIN: Do you have an  
10 approximate date?

11 MR. AST: Within the last -- most of  
12 them within the last week, possibly one or two in  
13 here probably two weeks ago.

14 MS. RAZIN: So I'm going to mark the  
15 set of photos as O-1, as seven photos of the  
16 surrounding neighborhood; yes?

17 MR. AST: Correct. It's the three  
18 houses to my left and three houses to the  
19 Applicant's right. It's essentially what I'm  
20 trying to show are all of the houses on our side  
21 of Jefferson Avenue are lined up within that  
22 200-foot radius that was shown on the tax map.

23 (Whereupon, Witness' Exhibit O-1,  
24 PHOTO SET OF SURROUNDING NEIGHBORHOOD, was marked  
25 for identification.)

1 MS. RAZIN: And do you want to pass  
2 them or do you want to describe them first and  
3 then pass them?

4 MR. AST: I'll describe them first.

5 CHAIRMAN FUSARO: Just to confirm,  
6 your property is the one immediately -- looking at  
7 the front of the Applicant's home -- to the left?

8 MR. AST: Yes. I'm to the left if  
9 you're facing the property.

10 CHAIRMAN FUSARO: I'm glad that's  
11 the question they were asking. Okay. I'm going  
12 to ask you a couple of questions. The driveway to  
13 their home, then you have their proposed 6-foot  
14 side yard setback. What is immediately adjacent  
15 to their property line on your property line? Is  
16 there a driveway? Is there a 10-foot setback to  
17 your home? What exists on your lot?

18 MR. AST: On my side, I would call  
19 it an approximate 10-foot setback. I would  
20 imagine that our home, the builder, I believe -- I  
21 didn't purchase it directly from the builder. We  
22 bought it about seven or eight years after it was  
23 built. But my estimation is that there's probably  
24 a 1/2 foot to a foot of wiggle room there.

25 CHAIRMAN FUSARO: And is your

1 driveway located there or is your driveway on the  
2 other side?

3 MR. AST: My driveway is on the  
4 other side.

5 CHAIRMAN FUSARO: The other side.  
6 So your home abuts this particular property line?

7 MR. AST: That's correct, yes.

8 CHAIRMAN FUSARO: Thank you. That  
9 answers our question, Jenny.

10 MS. MANCE: I was using some  
11 aerials, and it appears to be about 23 feet  
12 between the homes. But I can't really give a  
13 positive without a survey.

14 CHAIRMAN FUSARO: So about 10 and  
15 10. Thank you.

16 MR. AST: In the pictures, you can  
17 see -- in the pictures and on the tax map -- you  
18 can see what I'll refer to as the "regular shapes"  
19 of the properties on the street and similar  
20 distancing between the homes.

21 Whereupon, the witness reads from a  
22 prepared written statement.)

23 "In fact, there are four properties  
24 in a row including both the Applicant's and my  
25 own, Lots 20 through 23, with identical widths of

1 70.44 feet. As you can see in the pictures, the  
2 setbacks between these homes all appear to conform  
3 with the 10-foot requirement. A home whose  
4 neighbors are 40% closer than the rest of the  
5 houses on the street that stick out like a sore  
6 thumb. The Applicant's house would look and feel  
7 as though it was on top of mine and significantly  
8 impact the light and air between our homes.  
9 Again, I call the Board's attention to the photo  
10 of the current side setback between our two homes.  
11 This would look meaningfully different with a home  
12 exceeding the side setback requirement by 40%.  
13 And for what? There's simply no justification for  
14 parting from the required 10-foot setback here.  
15 The Applicants can substantially improve their  
16 home in a way that did not necessitate a departure  
17 from the ordinance. The two are not mutually  
18 exclusive. There is nothing unique about the  
19 Applicant's property in comparison to our other  
20 neighbors. There is no hardship caused by  
21 property shape or other conditions. They simply  
22 want more at the expense of myself and others.  
23 Their application missed the  
24 justification for departing from the required  
25 setback ask. And I quote 'to offer their kids



1 larger bedrooms. Their plan also calls for  
2 walk-in closets in what appear to be these  
3 bedrooms. These are items that do not justify a  
4 departure from the ordinance at the expense of the  
5 neighbors whom the ordinance was intended to  
6 protect. In constructing a home, the builder and  
7 the owner will always have to determine how to  
8 best use the available space. There's nothing  
9 unique here. If larger bedrooms with walk-in  
10 closets are of such importance, there are other  
11 ways that the Applicants and their builder can  
12 configure their home to accomplish this and  
13 without encroaching the side setback.

14           The other justification they seem to  
15 offer is expanding the size of their current  
16 garage." Which, as the Board has already noted,  
17 it's listed as two cars but it's questionable  
18 whether it is as such. "I know that a majority of  
19 the houses on Jefferson between East Broad and  
20 Saunders have one-car garages. Not having a  
21 two-car garage is not unusual in this neighborhood  
22 nor is it a hardship. And again, if this is  
23 something that is of such importance, their  
24 builder can reconfigure their house by using  
25 footage from the interior of the house to allow

1 additional space in the garage without encroaching  
2 on their side setback. As an alternative, if the  
3 Applicants would like to keep their cars off the  
4 street they can expand the width of their driveway  
5 which offers a much less intrusive way of doing so  
6 without encroaching on the setback. Somewhat  
7 confusingly, their plans do not even reflect the  
8 extension of their driveway to match the requested  
9 width of the garage. There is simply no reason  
10 why the light, air, and separations between our  
11 homes and the character of our neighborhood should  
12 be sacrificed to accommodate this plan.

13                   For all of these reasons, I  
14 respectfully ask that the Board consider the  
15 impositions on my property and our neighborhood,  
16 maintain the protections afforded by the 10-foot  
17 setback ordinance, and deny the Applicant's  
18 request for a variance. Thank you for your time  
19 and consideration this evening."

20                   CHAIRMAN FUSARO: Thank you. Does  
21 anyone have any questions for the neighbor at this  
22 time? Thank you so much. Anyone else in the  
23 audience wish to address the application with any  
24 general comments? Seeing none, I'll close the  
25 public portion of the meeting. Mr. Ralph, would

1 you like to add anything or the Applicant add  
2 anything before I open it up to board discussion?

3 MR. RALPH: Yeah, really briefly.  
4 Great eye by the neighbor. It is our intent to  
5 expand the driveway. It will be fully conforming  
6 with impervious coverage, but the driveway  
7 wouldn't align with the garage. And the only  
8 other thing I would state -- and I appreciate the  
9 pictures and everything -- it's just that without  
10 denying what he's saying, I would just clarify  
11 that the general experience to the general public  
12 would be very similar to what's there and what's  
13 established as the pattern of architecture in the  
14 neighborhood, he, being the most affected by it  
15 for sure. I don't deny that. But I want the  
16 Board to consider it in light of the broader  
17 neighborhood. That's it.

18 CHAIRMAN FUSARO: Thank you.  
19 Anything else you'd like to add, ma'am?

20 MS. PALMISANO: Yeah. I mean I just  
21 want to stress that we do want to blend in with  
22 the neighborhood. We want an  
23 aesthetically-pleasing home. And the green space  
24 is a value. And I believe that we will achieve  
25 that in the design because it's important to us.

1 And our goal is to be able to fit those two cars  
2 into that garage so we can feel safe that our,  
3 childcare will feel safe, free from the elements;  
4 everyone will be okay. The future health issues  
5 that we may have to deal with will be rectified  
6 and remedied here by getting this variance. And  
7 we feel that it's important for the security and  
8 health and safety of our family truly. And I know  
9 that there is a lot of discussions, obviously,  
10 about walk-in closets and things like that, that's  
11 part of the addition. But we're open to  
12 compromise with feasibility for minimums that  
13 maintain aesthetics and green space and to try and  
14 be as agreeable as possible provided some of those  
15 important, you know, in our belief, hardships, are  
16 met through the process. And we're open and  
17 willing to it. And, sorry, I brought up a point  
18 already about making some adjustments; absolutely  
19 within the consideration here that we would  
20 undergo. So thank you for hearing us out. Do you  
21 have anything?

22 MR. PALMISANO: Yeah. I just want  
23 to add that, like, earlier we had said that we're  
24 expanding it because we want our kids to have  
25 larger bedrooms; that was not the consideration at

1 all. It was all about the garage and really the  
2 accessibility in the garage. Kelly alluded to  
3 there are potential health problems and it's not  
4 something we really want to discuss on public  
5 record. So that's just something we can talk to  
6 with the neighbors. That's actually what was  
7 driving this whole thing. But we wanted to see  
8 how people were thinking of this. And we also  
9 didn't know any of our neighbors opposed this  
10 until this morning. So we just kind of found out  
11 this morning. We tried to address them early who  
12 responded, but we got nothing back. So we did try  
13 to come up with some sort of compromise, but we  
14 really didn't know this was going on. There were  
15 a lot of attempts made to make this as least  
16 intrusive as we could.

17 MR. COHEN: Would it be beneficial  
18 to you perhaps to talk to your neighbors and carry  
19 the application to see if there's some kind of  
20 compromise that can be reached?

21 MS. PALMISANO: Yeah. I mean, we  
22 tried. Yeah.

23 MR. COHEN: It's your choice.

24 MS. PALMISANO: Yes.

25 MR. MASCIALE: I just want to give

1 my own -- because I don't want them to come back  
2 and say they shaved a foot off. A foot is not  
3 going to make my determination. When I looked at  
4 this application I said to myself this is a c(2)  
5 there's no hardship, it only benefits the  
6 applicant, and what is the benefits of it, and the  
7 negative is the large encroachment. I don't sport  
8 the large encroachment. If you shave off a foot  
9 and come back, I would not support the  
10 application. I think the design is great, and I  
11 think I got all caught up in that it looks great  
12 and there are newer houses in the neighborhood,  
13 and I wanted to see the updates on here and they  
14 look good. But I can't support under c(2). I  
15 can't see any reason to vote for this under c(2)  
16 and that's what we're being asked to approve here.  
17 And as a board, I just can't see moving forward  
18 with this.

19 CHAIRMAN FUSARO: Understood.  
20 You've kind of heard some comments. We've heard  
21 your testimony. We've heard the neighbor's  
22 testimony. You basically have a choice. We can  
23 continue to discuss the application amongst the  
24 Board Members and you'll hear some additional  
25 comments. It would appear to me that some

1 revisions need to be made. Some sort of  
2 compromise. And I fully understand that your  
3 dream is to have a 21-foot wide garage. It does  
4 encroach on the neighbor's side yard -- side yard  
5 setback. And your side yard setback which  
6 obviously affects the neighbors. That being said,  
7 I don't know what the minimum garage width you're  
8 willing to live with. I'm going to say  
9 18/19 feet, that would gain you several additional  
10 feet on your side yard. You can also consider  
11 those walk-in closets, that I mentioned in the  
12 beginning, stepping those back, possibly -- again,  
13 I'm not going to tell you how to redesign your  
14 house -- Mr. Ralph, you put in a lot of time and  
15 effort in your designs, I know you don't usually  
16 ask for more than what you feel is reasonable. I  
17 understand that. However, having heard that, I  
18 would ask you how would you like to proceed?

19 MR. RALPH: Procedurally, are we  
20 able to get a couple more comments? Because I  
21 believe we that would intend to try to remediate.

22 CHAIRMAN FUSARO: Sure.

23 MS. PALMISANO: We're open to  
24 mediating, truly. I think just, unfortunately,  
25 candidly speaking, if what my family will face in

1 the future is what my family will face in the  
2 future, then there is a high level of importance  
3 of having accessibility, a large garage space for  
4 two cars to park there.

5 MR. RALPH: Right. And we can  
6 demonstrate that to your point with parking  
7 diagrams and why we're saying what we're saying  
8 cryptically, we can demonstrate that in the next  
9 hearing when we get back. Definitely respect  
10 that. Also though interested, we should --

11 CHAIRMAN FUSARO: We'll have a brief  
12 board discussion. You've heard comments from a  
13 couple of Board Members. Perhaps if any other  
14 Board Members have any other comments at this  
15 time. Yes? No?

16 MR. SONTZ: I'm with Chris, 40% over  
17 is a bit much. Is cutting it back 2 feet enough?  
18 That's still 20% over. Maybe if your neighbors  
19 came back and supported the 2 feet as a  
20 compromise, I could say all right, the neighbors  
21 are saying it doesn't infringe on the character of  
22 the neighborhood, maybe I could get behind it, but  
23 it's still a stretch. And I know you're saying  
24 you have a medical issue that you don't want to  
25 discuss here, which is fine. I wouldn't ask you



1 to discuss something private. But I don't know  
2 how we take that into consideration or even if we  
3 can.

4 CHAIRMAN FUSARO: I noticed in some  
5 of the photographs, one of the neighbors had  
6 testified that most or some of the homes -- I  
7 believe he said most of the homes in the area have  
8 a one-car garage. I did look at those photographs  
9 at first and quite a few of them are two-car  
10 garages. So I kind of understand the two-car  
11 garages. And it appears that there's a mixture in  
12 the neighborhood, but obviously, those are not  
13 encroaching on the side yard.

14 MR. SONTZ: Obviously, we've had  
15 applications where people have come and said I  
16 need this, it encroaches, but my father has to  
17 move in and he's in a wheelchair. And we've had  
18 situations like that. You know, you have to  
19 balance ADA requirements with our zoning laws. I  
20 don't know how we do that without you disclosing  
21 what it is, but I don't want to force you to  
22 disclose what it is. That's not our job to do  
23 that. Katie, how do we do that?

24 MS. RAZIN: Well, again, it's  
25 somewhat personal to the Applicant. But you know,

1 you as a Board can be reasonable in your balancing  
2 of what positive criteria and the homeowner needs  
3 and the benefits of overall in terms of, yes, it's  
4 a personal benefit, but it may benefit how a  
5 person accesses their home. There're ways that  
6 you can use that to meet the positive criteria if  
7 you're looking to do so. It's a difficult -- I  
8 really do -- I mean it's come before you -- it  
9 happens, it happens. Right?

10 MR. MASCIALE: We've allowed ramps  
11 in front of houses temporarily to deal with the  
12 situation.

13 MS. RAZIN: Right. There's not a  
14 specific one way or the other. But I think you  
15 have to look at the in the sense of -- and maybe  
16 they'll put on some additional information that  
17 isn't terribly specific but can provide us with a  
18 little more information about the spacing that's  
19 needed or how that would benefit.

20 CHAIRMAN FUSARO: It could be a  
21 handicapped van that needs to be parked in the  
22 garage.

23 MS. RAZIN: Correct.

24 MR. SONTZ: Right. And I treat that  
25 differently than something else.

1 CHAIRMAN FUSARO: Correct.

2 MS. RAZIN: Right. It's still  
3 personal, but in the broader sense of the public  
4 benefit, you can understand it.

5 CHAIRMAN FUSARO: Sam and Paul, any  
6 quick comments?

7 MR. REISEN: I'll just go with what  
8 Matt said really. Obviously, I don't want any  
9 personal medical information to come out here in a  
10 public forum, it's not what we're looking for.  
11 It's hard to balance it. I understand that the  
12 consummate with personal being found other ways  
13 with accessing the home, as you mentioned, more  
14 access to more homes in general in the community  
15 and the town. But this is a little hard to break  
16 down with the lack of information.

17 CHAIRMAN FUSARO: Thank you, Sam.

18 MR. EILBACHER: Yeah. I agree that  
19 the 40% overage is a bit much. Some of the spaces  
20 are especially generous. I would hope that they  
21 come to a meeting of the minds in the neighborhood  
22 and come up with a solution that meets everybody's  
23 needs. It's a very attractive design for sure,  
24 but it's a lot to ask for.

25 CHAIRMAN FUSARO: Thank you.

1                   MR. RALPH: I think we're good with  
2                   that. I don't want to take up the rest of the  
3                   time here.

4                   CHAIRMAN FUSARO: Just see you know  
5                   where we're headed. I have all the faith in the  
6                   world in you that you'll come up with something  
7                   that looks spectacular and everyone will be happy.

8                   MR. RALPH: Wonderful. It's the  
9                   first Monday in June, I guess.

10                  MS. RAZIN: June 12, the second  
11                  Monday.

12                  CHAIRMAN FUSARO: June 12, the  
13                  second Monday.

14                  MS. RAZIN: We're going to carry you  
15                  without further notice. Everyone who's here,  
16                  there's not going to be another public notice. So  
17                  this is your announcement that the meeting is  
18                  carried.

19                  CHAIRMAN FUSARO: You won't get  
20                  another certified letter saying that there's a  
21                  meeting on June 12. We're announcing it right now  
22                  that this application is being carried to June 12.  
23                  They will submit revised plans at least 10 days  
24                  before to our zone officer. Provided they're  
25                  complete, the zoning officer will put this

1 application on the agenda for June 12, and that's  
2 when, if you have any additional comments or  
3 whatever and you can review them ahead of time,  
4 you can check with the zoning officer, you can  
5 check with the Applicants, I'm sure they'll be  
6 happy to share the revised plans with you. And  
7 then, you're welcome to come back on the 12th and  
8 state any comments that you have.

9 MS. RAZIN: Is that date, right?  
10 June 12?

11 CHAIRMAN FUSARO: June 12. We meet,  
12 generally, on the second Monday of the month.

13 MR. RALPH: Thank you.

14 CHAIRMAN FUSARO: Thank you.

15 MR. MASCIALE: I think we have a  
16 question.

17 CHAIRMAN FUSARO: Yes, sir.

18 MR. AST: I just wanted to ask the  
19 Board to actually look at the application. The  
20 words that I read under the application, the  
21 reasons why they gave for the request. I didn't  
22 make that up.

23 CHAIRMAN FUSARO: The application?

24 MR. AST: When they said it was to  
25 provide a larger bedroom for the children.

1 MS. RAZIN: He's speaking about the  
2 larger bedrooms.

3 CHAIRMAN FUSARO: Okay.

4 MR. AST: That's actually on the  
5 application.

6 CHAIRMAN FUSARO: Okay. Thank you.

7 MR. AST: Thank you very much.

8 CHAIRMAN FUSARO: It's 10:31, we're  
9 not going to start another application after  
10 11:00. I mean, we're going to hear the  
11 application which is 857 Winyah, Megan McCann, who  
12 was carried. And then our last application of  
13 164 Landsdowne, you're welcome to stay. I can't  
14 guarantee, you know, hopefully. We'll do the best  
15 we can.

16 MR. MASCIALE: Why don't we ask them  
17 if they'll extend the date?

18 CHAIRMAN FUSARO: Yes, because it's  
19 June 2. If we don't get to it, would you be  
20 willing to have it carried to the -- an extension  
21 to have it carried to the June 12 meeting? If  
22 not, then you will force us to vote on it this  
23 evening whether --

24 MR. FINEBURG: Yeah. We'll speak to  
25 our architect.

1                   CHAIRMAN FUSARO:  When Mr. Ralph  
2 gets back, then you can get back to us.

3                   MR. FINEBURG:  Okay.

4                   CHAIRMAN FUSARO:  So I'll move  
5 forward with the next application.  It's  
6 Application ZBA 22-031, Megan McCann, 857 Winyah  
7 Avenue.  Applicant is seeking approval to  
8 construct a two-story addition on the rear of the  
9 dwelling to expand the first-floor kitchen and add  
10 a mudroom.  The second floor will add a master  
11 bedroom suite.  There will be a second-floor  
12 addition over the existing garage as part of the  
13 new master bedroom suite.  The existing  
14 first-floor kitchen and powder room area will be  
15 renovated to expand into the kitchen.  The  
16 existing second floor will have the Bedroom #2  
17 renovated to be part of the new master suite.  
18 There will be a new stair addition to add a  
19 bedroom, bath, and office area; and, the rear  
20 addition will be built over a crawl space contrary  
21 to the Westfield Land Use Ordinance:  Section  
22 12.04F1 where the maximum building coverage  
23 permitted is 20%, and proposed is 21.2%; Section  
24 11.07E where the minimum side yard setback  
25 permitted is 10 feet and proposed is 8.28 feet;

1 and, Section 12.04E1 where the maximum FAR  
2 permitted is 3,200 square feet and proposed is  
3 3,397 square feet. That has been revised on the  
4 third set of drawings that have been submitted to  
5 us, and that FAR variance has been eliminated and  
6 the square footage has been reduced to exactly  
7 3,200 square feet. So it will not be a D variance  
8 and we can proceed. Just give me one second, I  
9 want to get my 55 sets of drawings out.

10 MR. MASCIALE: Can we ask the  
11 Applicant to kind of explain where we started and  
12 where we are? Because I've got four packets here,  
13 and this started in January. And I bet that these  
14 are no longer there. But I'll be honest, I see  
15 revisions of a couple of feet. That really  
16 doesn't really mean much.

17 CHAIRMAN FUSARO: Mr. Bailey and --  
18 I'm sorry -- please come forward, state your name  
19 and address for the record.

20 MS. MCCANN: Megan McCann,  
21 857 Winyah Ave.

22 CHAIRMAN FUSARO: And?

23 MR. O'LEARY: Mark O'Leary, same  
24 address.

25 CHAIRMAN FUSARO: Please raise your



1 right hand.

2 MEGAN MCCANN and MARK O'LEARY,  
3 having been duly sworn, were examined and  
4 testified as follows:

5 CHAIRMAN FUSARO: Thank you. And,  
6 Mr. Baily...

7 DAVID BAILEY, having been duly  
8 sworn, was examined and testified as follows:

9 CHAIRMAN FUSARO: And we'll  
10 recognize you as an expert in the field of  
11 architecture. You've appeared numerous times  
12 before our Board this year. As Mr. Masciale has  
13 mentioned, this is the third time we're hearing  
14 your application. You have three sets of  
15 drawings. We've explained to you on several  
16 occasions what our thoughts were on where the  
17 reductions needed to be made. While I appreciate  
18 you making the reduction in the FAR variance and  
19 bringing it down to the max out 3,200 square feet,  
20 the rest of the revisions are 9 square feet here,  
21 11 square feet there. It's actually very  
22 difficult for us to find -- for us to follow --  
23 I'm sorry. So what I'd like you to do is I have  
24 all the drawings here, I've marked them up with  
25 some of the changes that I've picked up. I'm sure

1 I didn't hit every one of the. If you could just  
2 kind of give us an overall description of some  
3 major points that have changed. I'm hoping that  
4 they are what we've requested. If they're not, I  
5 really can't continue to carry this thing forward  
6 too much longer. It's the third time we're  
7 hearing this application. That having been said,  
8 please proceed.

9 MR. BAILEY: Yes. As you've already  
10 stated, the FAR is conforming now not to exceed.  
11 So walking through the changes and plan for the  
12 building coverage; if you look at the newest  
13 drawing, A-3, Proposed First Floor, and the  
14 Proposed Basement Plan, the mudroom addition, the  
15 two-story addition on the rear corner there has  
16 been reduced from initially being 2 feet past the  
17 kitchen down to now this being 1 foot past the  
18 kitchen which breaks up the wall and will look  
19 nice on the elevation. So there's a reduction in  
20 footprint there. We also shrank the depth of the  
21 garage by 10 inches. So that existing wall that's  
22 nonconforming with a side yard setback is shorter  
23 now. The proposed two-story addition on the rear  
24 corner was always conforming with the minimum side  
25 yard setback.

1                   On the second floor, A-4, Sheet A-4  
2                   Drawing 1, we pulled in the rear addition where  
3                   the master bathroom is 2 feet shorter. So again,  
4                   aesthetically, that rear wall is broken up. It's  
5                   2 feet smaller than before. We also shrank the  
6                   length, again, that side yard setback variance  
7                   where the primary suite new wall, which was  
8                   stacked on the existing garage wall, it's  
9                   14 inches shorter, 1-foot-2-inches shorter. And  
10                  again, the two-story addition on the rear corner  
11                  was always conforming with the 10-foot side yard  
12                  setback. So we shrunk the length on the first  
13                  floor. And the second floor, the nonconforming  
14                  side wall setback wall, the second floor which is  
15                  new to the garage wall which is existing. Again,  
16                  we shrunk the massing of the house. So if you  
17                  look at the proposed elevations, look at A-2,  
18                  Proposed Rear Elevation A-2, by pulling in the  
19                  back master bathroom wall the 2 feet, it breaks up  
20                  the massing. That's a nicer-looking elevation.  
21                  There're French doors in the sitting area. Four  
22                  windows in the bathroom area. And the first  
23                  floor, the French doors are in the kitchen, and  
24                  the transoms are in the mudroom and the French  
25                  doors step in 1 foot to give the shadow line.

1 Again, break up the rear elevations so it's more  
2 attractive and less boxy.

3 And Drawing 1 on A-2, the Proposed  
4 West Side Elevation, again, we shrank the length  
5 of the existing nonconforming garage wall by  
6 14 inches. And we shrunk the length of the  
7 second-floor wall that's a little bit shorter.  
8 That's an existing nonconforming side yard setback  
9 on the first floor of the garage. The second  
10 floor, the proposed new addition, if you look at  
11 the front, elevation on A-1, it looks good to have  
12 that wall at the garage. That existing attached  
13 one-car garage with a flat roof, a very low  
14 ceiling. So we're rebuilding it to have a  
15 functional height ceiling in it so you can  
16 actually fit cars in it. It's going from a  
17 7-foot-4 existing ceiling height, an existing  
18 attached garage with a flat roof to I think, like,  
19 10-foot-10, and a master suite addition is over  
20 it.

21 On the site plans, SP-2, Proposed  
22 Site Plan, the property line is crooked to the  
23 house, so the existing garage on the front is  
24 about 8-foot-8 inches from the property line. You  
25 need 10 foot on the side yard setback. The

1 existing rear of the garage is about 8-foot-3 1/2.  
2 So that is existing nonconforming. That  
3 red-shaded area is where we're putting the  
4 second-floor addition. We're proposing a sleeping  
5 room with a master bedroom suite in line with the  
6 existing garage wall. The totally new addition,  
7 in fact, the two-story addition, conforms with the  
8 setbacks. And again, we've reduced the FAR to  
9 conform with the cutoff, so a percent of the  
10 maximum percentage, but now it conforms not to  
11 exceed. We've reduced the building coverage from  
12 initially 21.2% building coverage where 20 is the  
13 maximum, down to 20.99 just under 21%.

14 The maximum building coverages with  
15 decks and porches on a house is 24%. And all  
16 together, we're at 20.98 just below the 21%.  
17 We're more than conforming with the all-building  
18 coverage. And improvement coverage, that was  
19 always conforming. It's down to 38.18% percent  
20 proposed improvement coverage. And we've always  
21 -- we're certainly conforming with the side wall  
22 massing. The existing garage wall along the wall  
23 on the side is 25 feet. Certainly, the  
24 second-floor wall -- (indiscernible.)

25 MS. BREIEN: Mr. Bailey, please

1 speak up.

2 MR. BAILEY: There's plenty of glass  
3 on these side walls, the new side wall. And  
4 there's more than conforming the 25% maximum  
5 length of the side wall. And so, we're more than  
6 conforming there.

7 That addition at the garage has, you  
8 know, with the front elevation, that's the lower  
9 ridgeline. Lower than the existing main ridge.  
10 Lower than the ridge to the left of that existing  
11 high ridge. The stairs already seem lower. It  
12 keeps stepping down so that the height of the  
13 addition, that's into the 10-foot side yard  
14 setback. And there's only about 25-foot-5-inches.  
15 So we're under the 32-foot maximum height. If you  
16 look at the photographs, if you go to PH-1,  
17 Existing Photographs, look at the middle room.  
18 Those two photographs show that side where the  
19 existing garage is and the porch seen next to the  
20 neighbor to the right looking from the backyard.  
21 There're shrubs there. And you can see,  
22 particularly on the one in the middle, the middle  
23 room, there's a lot of daylight between the  
24 houses. And again, that addition steps down lower  
25 than the rest of the house to, again, only like

1 25-foot-five.

2 MR. MASCIALE: Mr. Bailey, a lot of  
3 times what's in the agenda is not updated. So  
4 that's where we started from. So let me just try  
5 to look at these three and see what we've got  
6 here. This says here the maximum building  
7 coverage is 20% and proposed is 21.2. I believe  
8 you said 20.9% now?

9 MR. BAILEY: Yeah.

10 CHAIRMAN FUSARO: 20.99.

11 MR. BAILEY: 20.99.

12 MR. MASCIALE: 20.99. Okay. And  
13 where the minimum side yard setback permitted is  
14 10 feet and proposed is 8.28. Is that still at  
15 the 8.28?

16 MR. BAILEY: Yes. That's the  
17 existing side yard setback for the sustained wall  
18 up. It's tapered, so the closest is the 8.28  
19 feet.

20 MR. MASCIALE: Right. Because the  
21 whole property is...

22 MR. BAILEY: Yeah, the property line  
23 is crooked to the house and we're just going  
24 straight up that wall. And the new wall on the  
25 second floor is shorter. And the existing wall on

1 the first floor -- plus, we shrank the existing  
2 garage wall by stepping it.

3 MR. MASCIALE: Got it. And the FAR  
4 is eliminated?

5 MR. BAILEY: Yes.

6 MR. MASCIALE: So if I'm reading  
7 this cover sheet here, you're only asking then for  
8 the percentage of coverage and the side wall.

9 MR. BAILEY: Yes. Just those two  
10 variances.

11 MR. MASCIALE: Just two variances.  
12 Okay. That's like totally lost looking at all  
13 that.

14 MR. BAILEY: Yeah. We've been  
15 listening and came back with just the two  
16 variances. And one is an existing nonconforming  
17 condition.

18 MR. MASCIALE: Thank you.

19 MR. COHEN: We're adding on the  
20 second floor; right? We're exacerbating the  
21 existing nonconforming by adding on the second  
22 floor; correct?

23 MR. BAILEY: Yes. It looks better  
24 on the front elevation on the exterior to continue  
25 that wall straight up. But it is shorter by a few



1 from the first-floor wall. But, yes, it's  
2 continuing an existing nonconforming condition.  
3 It's going to be 17.4 long whereas the first floor  
4 has been shrunk 10 inches in length to 21.4. So  
5 we've shrunk the first floor by 10 inches, and  
6 then we shrunk the second floor from previous  
7 applications 14 inches, 1-foot-2. So, yes, we've  
8 shrunk the length of the wall that's extending  
9 into that side yard setback variance. But again,  
10 the totally new wall is 17.4 long with windows in  
11 it. And then the other additions conform with the  
12 setbacks.

13 CHAIRMAN FUSARO: Mr. Bailey, I'll  
14 just run through your plans real quick. On A-1,  
15 your elevations, all the dimensions that you have  
16 on the current A-1 plan; the 28-foot-7 new  
17 second-floor addition, the east elevation, and the  
18 dimensions on the front elevations are exactly the  
19 same as the last submission; is that correct?

20 MR. BAILEY: I have that here.  
21 Let's see.

22 CHAIRMAN FUSARO: I have the last  
23 submission in front of me. It would appear to me  
24 that they're the same.

25 MR. BAILEY: 28.3 was that middle

1 roof. Yes, that's the same. Then the addition  
2 over the garage, we had 21.61 before and -- it  
3 shrunk a little bit. So the new ridge over the  
4 garage that shrunk a little bit it's now  
5 25-foot-5. Whereas, the previous set of drawings  
6 from the last time we were here was  
7 26-foot-1-inch. So we reduced the -- we shrunk  
8 the depth. We kept the same pitch, roof pitch  
9 that we had before, but we shrunk that wall on the  
10 second floor 14 inches. So by shrinking the  
11 length of the wall on the second-floor addition  
12 master suite sleeping room 14 inches and keeping  
13 the same pitch as before it lowered the ridge. So  
14 the ridge is lower than the previous applications  
15 you've seen.

16 MR. MASCIALE: It's 7 inches lower.

17 MR. BAILEY: Yes.

18 MR. MASCIALE: Or 8 inches.

19 CHAIRMAN FUSARO: Yeah. Because I'm  
20 looking at your other elevations on A-2. Your new  
21 set, looking at the west elevation, your new  
22 dimensions on your west elevation of 17-foot-4 was  
23 18-foot-6. You've reduced that by 14 inches.  
24 Okay. However, you've increased the dimension to  
25 the left from 10-foot-1 to 11-foot-3, which is the

1 same 14 inches that you've taken out of one but  
2 you've added to the other.

3 MR. BAILEY: Which drawing?

4 CHAIRMAN FUSARO: I'm looking at  
5 you're a-2, west elevation. Your current drawing  
6 shows a dimension of 17-foot-4 for the new  
7 second-floor addition. It was 18-foot-6, so  
8 you've reduced it 14 inches as you've stated.

9 MR. BAILEY: Right.

10 CHAIRMAN FUSARO: However, the  
11 11-foot-3 dimension that you're showing on your  
12 new plan was 10-foot-1.

13 MR. BAILEY: Right.

14 CHAIRMAN FUSARO: So you've  
15 increased that by the same 14 inches.

16 MR. BAILEY: Yes, that conforms with  
17 the side wall setback. That wall, that two-story  
18 addition, mudroom, and sitting room for the master  
19 suite was always conforming with the side yard  
20 setback.

21 CHAIRMAN FUSARO: Okay. Let's go to  
22 A-3, which is your new A-3 drawing which is your  
23 Proposed First Floor Plan. Again, you've reduced  
24 -- let's look at the Basement Floor Plan -- the  
25 12-foot-3 dimension along the top was 11-foot-7,

1 so you've increased that 8 inches.

2 MR. BAILEY: Yeah. We cut into the  
3 back of the garage. As they've stated in previous  
4 testimonies; the mudroom for a family of five,  
5 they needed the mudroom.

6 CHAIRMAN FUSARO: You basically had  
7 that stoop and mudroom of the entrance to the  
8 outside, now you've moved it to the inside.

9 MR. BAILEY: Correct. So that part  
10 conforms with the side yard setback. So, yes, we  
11 cut part of the back of the garage to keep the  
12 mudroom the functional size they wanted.

13 MS. MCCANN: While maintaining the  
14 minimum required garage size; correct?

15 MR. BAILEY: Yes. We still have a  
16 conforming one-car garage. And so, we reduced the  
17 length of the garage and made that wall conform  
18 with the 10-foot side yard setback. The mudroom  
19 addition and the room above it was always  
20 conforming with the 10-foot side yard setback. I  
21 guess they needed the mudroom to be bigger. They  
22 didn't need the garage to be oversized.

23 CHAIRMAN FUSARO: I'm just looking  
24 at some of the dimensions here --

25 MR. BAILEY: The garage is

1 conforming to 250 square feet for a car in that  
2 garage, and with the higher ceiling. Existing is  
3 only a 7-foot-4 ceiling; it's basically unusable.  
4 So you get a nice ceiling height. It's 250 square  
5 feet which is a minimum size to be functional for  
6 a one-car garage. So we shrunk the depth of the  
7 existing garage to be able to keep the --

8 CHAIRMAN FUSARO: Similarly, on the  
9 second floor, A-4 drawing, Proposed Second Floor,  
10 the second-floor addition is still 28-foot-7, that  
11 hasn't changed.

12 MR. BAILEY: Right.

13 CHAIRMAN FUSARO: Your width -- I'm  
14 going to call it the "width of your master  
15 bedroom" addition is 18.6 -- I'm sorry, it was  
16 18.6, and now it's 17.4. Again, that's the 14  
17 inches that you've just described. However, the  
18 remaining portion of that addition, the office  
19 area, has increased from 10-foot-1 to 11-foot-3.

20 MR. BAILEY: Right. And again, it  
21 conforms with the side yard setback. And my  
22 clients need a functional office. And then the  
23 bathroom part of the addition on the second floor  
24 over the kitchen, that's 2 feet smaller.

25 CHAIRMAN FUSARO: That was reduced

1 from 10.1 to 8.9.

2 MR. BAILEY: So the massing has  
3 decreased and aesthetics having increased by being  
4 less boxy. Before that wall was flush on the  
5 second floor, and now the bath wall pulled in the  
6 2 feet. We still have at least a foot offset on  
7 the first floor between the French doors and the  
8 each-in kitchen and then the mudroom with the  
9 transoms. So that (indiscernible) but less  
10 attractive and boxy than make a foot offset in the  
11 shadow line works well there. It's a reduction  
12 from previous applications from 2 feet offset from  
13 the kitchen to now just a foot. And then the  
14 second floor, again, offset the wall 2 feet to  
15 make that elevation more attractive.

16 CHAIRMAN FUSARO: I see that offset  
17 in the back. Similarly, on your roof plan, those  
18 dimensions haven't changed. The new dormer is  
19 still 12-foot-3 which is was before, and the  
20 entire -- I'm going to call it "depth" of the  
21 addition is still 28.7. That hasn't changed.

22 MR. BAILEY: Yeah. The dormer over  
23 the staircase addition up to the third level has  
24 not changed. We change the shape of it. The  
25 aesthetics of that gable roof over the stair tower

1 have changed to be more attractive. It overhangs  
2 matching existing, with a little steeper pitch so  
3 it looks more in keeping with the house.

4 CHAIRMAN FUSARO: I'm going to your  
5 P-2, Site Plan, and there's a patio in the rear.  
6 Right now it just says the word "patio" but  
7 there's no patio shown. There was a patio there  
8 in your last submission. Has that been eliminated  
9 and you just left the word there or is there still  
10 a patio there?

11 MR. BAILEY: They have plenty of  
12 improvement coverage to design a patio in the  
13 future. Yes, there's an existing large patio, but  
14 we haven't designed a new patio yet, so I just  
15 left that blank. But there's plenty of room for  
16 them to build a patio.

17 CHAIRMAN FUSARO: So there still  
18 will be a patio there; is that correct?

19 MS. MCCANN: Yes.

20 CHAIRMAN FUSARO: So it's just not  
21 drawn in on the site plan?

22 MR. BAILEY: Right. Yeah.

23 CHAIRMAN FUSARO: Got it.

24 MR. BAILEY: But there's room for a  
25 future one.

1                   CHAIRMAN FUSARO: I'm looking at the  
2 proposed coverage; you're okay. But it's been  
3 reduced a very amount; 8 square feet on the first  
4 floor and 7 square feet on the stoop. The stoop  
5 was 23 now it's 16. The first floor was 2,019,  
6 now it's 2,011.

7                   MR. BAILEY: And the stoop has been  
8 lowered, so it's less massive to the neighbor.  
9 But stoops are allowed to project into the  
10 setback. But on the latest design, that side  
11 stoop has gotten lowered so you won't have  
12 railings along the steps. Because we sunk the  
13 mudroom floor, so you have less steps to get to  
14 the garage.

15                   CHAIRMAN FUSARO: While I appreciate  
16 the minor changes that you've made, and I know in  
17 your previous testimony you mentioned that this is  
18 an extremely undersized lot, and I understand  
19 that. And that the homes in the area are much  
20 larger, and I under that. However, I believe I  
21 had mentioned to you previously as well, yes,  
22 while the homes in the area are much larger they  
23 also sit on much larger lots. And the FAR is  
24 maxed out to the exact square footage it can be.  
25 Those were the only comments I had. I basically



1 was concerned that, again, this is the third or  
2 fourth go-around. You're asking for a large  
3 addition to a home on a small lot. I'm still a  
4 little concerned. That's just my opinion. I  
5 don't know how the rest of the Board feels. I  
6 appreciate you making the two revisions to the FAR  
7 to bring it to where it needs to be. Those are  
8 the only comments. Any other Board Members have  
9 questions for the Applicants or the architect?

10 MS. MOLNAR: Would you consider  
11 eliminating the attic addition?

12 MS. MCCANN: We're not adding any  
13 space to the attic.

14 MR. BAILEY: Yeah. That's an  
15 existing height. So an existing unfinished attic  
16 at the same height. And that didn't count towards  
17 FAR.

18 MS. MOLNAR: Right. But it still  
19 affects the look of the building.

20 MR. BAILEY: We didn't change the  
21 envelope of that main part of the house. The  
22 ridge is exactly the same as existing. And  
23 there're windows in the existing.

24 CHAIRMAN FUSARO: I believe I asked  
25 this question previously. The areas that are

1 marked "unfinished space" "unfinished attic"  
2 especially the ones off the Bedroom #5 which have  
3 double doors to those unfinished spaces. I'm  
4 assuming that they will remain unfinished;  
5 correct?

6 MS. MCCANN: Correct.

7 MR. BAILEY: Yes. Because they've  
8 got high ceilings, so they will stay unfinished.

9 CHAIRMAN FUSARO: It's a height  
10 issue.

11 MR. BAILEY: So we're proposing that  
12 office loft and bedroom in the existing envelope  
13 of the existing room. So we haven't changed that  
14 part. We brought a stair up it so we raise the  
15 roof over the stairs of that dormer to get access  
16 to the third floor. But, yes, over the master  
17 bedroom suite addition, that will not expand the  
18 attic.

19 CHAIRMAN FUSARO: And the ridge  
20 height is 30-foot-1, approximately. And correct  
21 me if I'm wrong, I believe 32 feet is required for  
22 the maximum.

23 MS. MANCE: For the height, yes.

24 MR. BAILEY: That's existing. So  
25 the highest ridge; existing. The two new ridges

1 are less than the maximum. And one sticking into  
2 the 10-foot side yard setback is the lowest still  
3 at 25-foot-5 where the maximum is 32 feet. So  
4 even the highest existing ridge conforms with the  
5 maximum height; we're not changing that. The new  
6 addition remains smaller and definitely conforms  
7 with the maximum height.

8 MR. COHEN: You're essentially  
9 asking us to approve two variances; one, percent  
10 on coverage, on building coverage, and a foot and  
11 3/4 on the side yard setback; is that correct?

12 MR. BAILEY: Correct.

13 MR. COHEN: You're not asking for  
14 any other variances?

15 MR. BAILEY: Correct.

16 MS. MCCANN: And the foot and 3/4 is  
17 existing with the garage that's there.

18 MR. COHEN: Right. But you're  
19 exacerbating that by creating a second story over  
20 it.

21 MR. BAILEY: Yeah. Just the two  
22 variances.

23 CHAIRMAN FUSARO: Any other Board  
24 Members have any questions for the applicant or  
25 the architect at this time?

1                   MR. BAILEY: By conforming with the  
2 FAR not to exceed, as far as the massing, we  
3 conform with the code. As far as massing, the  
4 3,200 not to exceed we conform with that. The  
5 part of the code that deals with massing and size;  
6 we conform with that.

7                   CHAIRMAN FUSARO: Is there anyone  
8 from the audience who would like to address the  
9 application at this time please come forward and  
10 state your name and address for the record.  
11 Seeing none, we'll close that portion. Is there  
12 anything else that you would like to add,  
13 Mr. Bailey, or the Applicants before we close it  
14 and open it up to board discussion?

15                   MR. BAILEY: No, we're good.

16                   CHAIRMAN FUSARO: Thank you. As  
17 you've heard from the architect, they've made  
18 revisions. I'm glad that Chris asked the question  
19 to kind of give us an overview of exactly the two  
20 variances that are before us. There were four  
21 before, they've eliminated two of them. My  
22 initial thoughts when I reviewed this earlier was  
23 I was leaning towards not being in favor of  
24 supporting the application simply because it  
25 appeared to me that the reductions that we asked

1 for -- yes, some of them were made, but not in a  
2 significant manner. They were, you know, small.  
3 Seven square feet here, nine square feet there.  
4 And as I pointed out, although the garage, for  
5 example, was made smaller, the area behind it was  
6 made larger. The master bedroom suite was made  
7 smaller, but the office behind it was made larger.  
8 So I kind of felt it was a shuffle game just sort  
9 of moving the dimension around and not really  
10 shrinking it down to where we had requested. But  
11 I am happy to see that they did reconfigure the  
12 master bath there and were able to shrink it down.  
13 Since they -- the building coverage is basically  
14 now 1% over at 20.99, so I'll call it 21%. And we  
15 have that one side yard setback which is existing  
16 exacerbated at 8.28 instead of 10 feet. That  
17 having been said, I guess I would be in favor of  
18 supporting the application. How does the rest of  
19 the Board feel at this point in time? I don't  
20 want to revisit this application again.

21 MR. MASCIALE: I'm leaning, Frank,  
22 because they've eliminates the FAR. So the  
23 criteria that was holding this house under for the  
24 D and the size of the massing is now gone. And  
25 you have to look at it now under c(1) and c(2).

1 There is a c(1) hardship because of the slope of  
2 the property on the setback. I get that. From a  
3 c(2) perspective, would I want to live next to  
4 this? The neighborhood has large homes. Okay.  
5 It's a big design. I have a larger lot and I have  
6 a small house. This is over twice the size of my  
7 house and I'm on a bigger lot. This is a lot of  
8 house going on here. But the question I have is;  
9 how does it look in the neighborhood and from a  
10 c(2) perspective? You know, is there negative  
11 criteria? Have we heard testimony about negative  
12 criteria? We've heard no testimony about negative  
13 criteria from the neighbors. I really don't  
14 necessarily see it to the neighbors; I don't know  
15 if any other Board Members have. But not seeing  
16 any negative criteria, I found I'm now weighing in  
17 favor of the application based on the c(1) and the  
18 c(2). And that's where I currently stand.

19 CHAIRMAN FUSARO: Thanks, Chris. I  
20 agree. Like I said, I understand there're much  
21 larger homes in the neighborhood. I fully  
22 understand that, but they are on much larger lots.  
23 And I said from the beginning I think they're  
24 trying to put too much on this lot. However, you  
25 know, the elimination of the FAR I think is a big

1 step in the right direction. I feel while I would  
2 still be concerned about the size, I do understand  
3 the c(1) hardship and that the lot is slightly  
4 undersized as well. And the 1% over, I don't  
5 believe is a big ask. My personal opinion; I  
6 still think it's too big. However, based on the  
7 two variances that they're asking for, I see it as  
8 kind of reasonable. How does the left side feel?

9 MS. MOLNAR: You know how I feel. I  
10 think that the FAR for Westfield is way too  
11 generous. It should never have gone to 37% for  
12 3,200 feet. It's just creating overbuilding in  
13 this town. It's just a massive home. Westfield  
14 is supposed to be charming with these charming  
15 homes. This a large addition to a home on a very  
16 small lot. I think it's been overbuilt. So I'm  
17 going to vote no.

18 CHAIRMAN FUSARO: Anyone else from  
19 this side? No? How about my right side?

20 MR. REISEN: I appreciate the FAR  
21 elimination and now a d variance is gone. And if  
22 we look at the progression, they did reduce and  
23 reduce. Yeah, they reconfigured, but they bring  
24 it to a point now where it's a little more  
25 digestible. Although I also have some concerns

1 that others have mentioned, I'm looking toward  
2 being in favor of this application at this time.

3 CHAIRMAN FUSARO: Thank you.

4 MR. EILBACHER: Yeah. I think with  
5 the elimination of the FAR and D variance pushes  
6 it over the line. I think that I can go with  
7 this.

8 CHAIRMAN FUSARO: Thank you. Having  
9 heard comments from the Board, is there anything  
10 else you'd like to add, Mr. Bailey, at this time?  
11 You're good?

12 MR. BAILEY: We're good.

13 CHAIRMAN FUSARO: Okay. I don't  
14 believe there're any conditions that we need to  
15 attach. If we were to approve it, again, just for  
16 the record, the two variances are both C  
17 variances; the overage on building of 20.99, and  
18 one side yard setback 8.28 versus 7 feet. May I  
19 have a motion?

20 MR. MASCIALE: I'll make the motion  
21 to accept the application as resubmitted -- what's  
22 the date of these drawings here?

23 CHAIRMAN FUSARO: April 19. Is  
24 there a revision on the drawings? Yes, it's  
25 Revision #2 dated 3/14/23.



1 MR. MASCIALE: The 3/14/23 revision.

2 CHAIRMAN FUSARO: Revision 2.

3 MR. MASCIALE: Revision 2. I just  
4 want to look at the prior one if it's Revision 2  
5 or not.

6 CHAIRMAN FUSARO: Revision 1 was  
7 1/17.

8 MR. MASCIALE: Okay. So Revision 2  
9 dated 3/14/23.

10 MR. REISEN: Second.

11 CHAIRMAN FUSARO: Seconded by  
12 Mr. Reisen. Jenny, after you're done coughing,  
13 please call the roll.

14 MS. MANCE: Ms. Molnar.

15 MS. MOLNAR: No.

16 MS. MANCE: Mr. Cohen.

17 MR. COHEN: Yes.

18 MS. MANCE: Mr. Sontz.

19 MR. SONTZ: Yes.

20 MS. MANCE: Vice-chair Masciale.

21 MR. MASCIALE: Yes.

22 MS. MANCE: Chairman Fusaro.

23 CHAIRMAN FUSARO: Yes.

24 MS. MANCE: Mr. Eilbacher.

25 MR. EILBACHER: Yes.

1 MS. MANCE: Mr. Reisen.

2 MR. REISEN: Yeah.

3 CHAIRMAN FUSARO: Your application  
4 is approved. Good luck.

5 MR. BAILEY: Thank you.

6 CHAIRMAN FUSARO: It's 11:10,  
7 Mr. Ralph. I have My entire board shaking their  
8 heads. I apologize.

9 MS. MANCE: If this is carried, we  
10 will have seven on for the next month as well.

11 MR. RALPH: I was just curious, can  
12 we go first then next month or we're tagged at the  
13 end?

14 CHAIRMAN FUSARO: That would be  
15 Maria.

16 MS. BREIEN: Yes, we can put you on  
17 first because you're being carried.

18 MR. RALPH: Okay. Great.

19 CHAIRMAN FUSARO: And you're good --  
20 so there's no other notice, they're accepting --

21 MS. REISEN: You'll grant the  
22 extension until June 12th?

23 (Whereupon, Mr. Ralph confers with  
24 his client.)

25 MR. RALPH: Yes.

1 CHAIRMAN FUSARO: Okay. Great.

2 MS. REISEN: And you're carried  
3 without further notice.

4 CHAIRMAN FUSARO: And you'll be  
5 number one on the agenda for June 12. Again, I  
6 apologize. Thank you and have a great evening.

7 MR. RALPH: I appreciate it. Thank  
8 you.

9 CHAIRMAN FUSARO: Motion to adjourn?

10 MR. MASCIALE: So moved.

11 MR. REISEN: Second.

12

13

14 (The meeting was adjourned at

15 11:09 p.m.)

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